

## **APPENDIX F**

### **LOUISIANA ADMINISTRATIVE CODE**

#### **TITLE 55:PART III (March 2005):**

##### **Chapter 7**

##### **Chapter 8**

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:401 et seq., and R.S. 32:853.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 23:994 (August 1997).

#### **§565. Official Use of Personal Information**

A. Nothing in Subchapter B shall be construed as limiting or prohibiting the use of personal information by an employee of the Department of Public Safety and Corrections for official purposes as authorized by the DPPA and state law.

B. The department may enter into cooperative endeavors with other state and federal agencies providing for the access, use and release of personal information as authorized by the DPPA and state law.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:401 et seq., and R.S. 32:853.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of Motor Vehicles, LR 23:994 (August 1997).

### **Chapter 7. Louisiana Motor Vehicle Safety Inspection Program**

#### **§701. Civil Penalty**

A. Violations of the operation of an official inspection station or the actual conduct of a motor vehicle inspection shall be grouped as follows.

1. Administrative violations are any violation of the operation of an official inspection station not to include the actual conduct of a motor vehicle safety inspection, (station management requirements, etc.).

2. Inspection violations are any violation of the actual conduct of a motor vehicle safety inspection excluding inspection to vehicles requiring D.O.T. or school bus inspections.

3. D.O.T./school bus is any violation of the actual conduct of a motor vehicle safety inspection of vehicles requiring D.O.T. or school bus inspections.

4. Civil penalties shall be assessed at the following rate.

- |                             |                    |
|-----------------------------|--------------------|
| a. Administrative Violation | \$25 per violation |
| b. Inspection Violation     | \$50 per violation |
| c. D.O.T./School Bus        | \$75 per violation |

5. The maximum penalty per occurrence as set by R.S. 32:1312 is \$1,000. The increased penalty per violation from a minimum of \$25 to a maximum of \$75 per violation is intended to reflect the impact to the public from violation of the operation of an official inspection station and the conduct of a motor vehicle safety inspector.

6. If an inspection station or mechanic inspector receives three civil penalties within a 12-month period, this shall be grounds to remove said inspection station or mechanic inspector from the Motor Vehicle Safety

Inspection Program. This in no way intends to impede the ability of the department from removing an inspection station or mechanic inspector at any time with proper cause.

7. The Office of State Police shall impose civil penalties after affording the accused an opportunity for a fair and impartial hearing to be held in accordance with the Administrative Procedure Act.

8. After the hearing process has been exhausted and upon the decision of the Office of State Police to impose civil penalties has been upheld, civil penalties shall be imposed as previously stated.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:1312 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 21:184 (February 1995).

### **Chapter 8. Motor Vehicle Inspection**

#### **Subchapter A. General**

#### **§801. Definitions**

A. As used in this Chapter, the following terms have the meanings described below.

*Department*—Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section.

*Deputy Secretary*—Deputy Secretary of the Department of Public Safety and Corrections, Public Safety Services.

*Person*—an individual, partnership, corporation, limited liability company, or other legal entity.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:1304-1310.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2421 (December 1999).

#### **§803. Foreword**

A. The inspection of vehicles as prescribed in the Louisiana Motor Vehicle Inspection Law is conducted in privately-owned and operated garages and repair shops which have been approved by the Louisiana Department of Public Safety and Corrections. Although these approved inspection stations are privately owned businesses, the inspection of vehicles in compliance with the law is not entirely a private matter. During the course of performing these inspections, the station and its personnel are acting as representatives of the state of Louisiana. The guiding principal of station personnel should be, and must be, providing honest and efficient service to the citizens of our state.

B. Official motor vehicle inspection station operators and employees should be courteous and patient when explaining that the requirements of the motor vehicle inspection laws are designed to promote safety. It should be clearly understood by all employees that the primary function of the inspection station is not an arbitrary enforcement of the law but rather the advancement of highway safety.

C. All inspection station personnel must adopt the attitude that they sell safety. They must also bear in mind that the placement of one inspection certificate on an unsafe vehicle may be the cause of a serious crash. They owe a duty to themselves, their families, other vehicle owners and operators not to jeopardize lives through error, carelessness or indifference.

D. The Official Motor Vehicle Inspection Station License may be revoked if any station owner, operator or employee fails to achieve and maintain a priority standard of service to the motoring public.

E. Each official Motor Vehicle Inspection station shall give priority to customers seeking motor vehicle inspections.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2421 (December 1999).

## Subchapter B. Safety Inspections

### §805. Requirements, Duties, Responsibilities

A. Classes of Inspection Stations. The classes of Official Motor Vehicle Inspection (MVI) Stations authorized in Louisiana are:

1. Public Station. Stations authorized by the Louisiana Department of Public Safety and Corrections to inspect any and every vehicle presented for inspection. When warranted and approved by the department, certain stations may be designated to inspect only specific classes of vehicles. When authorizing a public station to inspect only a certain class vehicle, the class of vehicle to be inspected and justification for each authorization shall be noted in the remarks section of the station application form. Such stations will display a sign immediately adjacent to the official Motor Vehicle Inspection sign designating the classes of vehicles which can be inspected. The designation of a specific class of vehicle to be inspected by a station may be as follows:

- a. trucks and trailers only;
- b. passenger vehicles and light duty trucks only;
- c. boat trailers only;
- d. motorcycles only; and

e. stations inspecting commercial vehicles and school buses are required to have special authorization from the safety enforcement supervisor;

2. Dealer Station. Any person, association or corporation licensed as a dealer of vehicles which are subject to registration may be licensed as an official MVI dealer inspection station. These stations may only conduct inspections of both new and used vehicles owned by the dealer which are for sale or demonstration. A notation will be made in the remarks section of the application form indicating what type of vehicles are to be inspected. When a dealer is authorized to inspect, it is mandatory that all vehicles sold as new or used must be properly inspected and a valid inspection certificate affixed thereto as prescribed by the Motor Vehicle Inspection Regulation;

3. Fleet Station. Any motor vehicle repair or maintenance shop operated or maintained by a person, firm or corporation in whose name 10 or more vehicles are licensed under the provisions of R.S. 47:462, may be designated as an official fleet MVI station. Fleet stations may inspect only those vehicles registered to or under bona fide lease to the company designated as an official fleet inspection station;

4. Government Station. A town, municipality, city, parish or state agency to which the department has granted authority to inspect vehicles owned and registered to these government agencies. These stations will not be approved unless they have their own repair shop;

5. School Board Station. A school board may be granted authority to inspect and certify vehicles operated or contracted by that board;

6. Nonattainment area stations are inspection stations receiving specialized training and licensing. Only nonattainment area stations are permitted to inspect vehicles registered within this area. The nonattainment area consists of five parishes. These parishes are designated by the four digit domicile code on the registration. Domicile codes beginning with 03 (Ascension Parish), 17 (East Baton Rouge), 24 (Iberville Parish), 32 (Livingston Parish), or 61 (West Baton Rouge) are within the nonattainment area.

B. Request for Appointment as an Official Inspection Station

1. A written request must be submitted to the safety enforcement sergeant in the district where the business is located in order to become an official MVI station. A safety enforcement officer will be assigned to inspect the premises and interview the personnel to determine that all minimum requirements are met.

2. Should a person, firm or corporation currently operating a motor vehicle inspection station make application to add commercial inspections at their location, a thorough investigation and evaluation of the performance of the existing station will be conducted. Should the investigation show that the existing station has been operated within the rules and regulations of the motor vehicle inspection program, and the owner/operator has demonstrated a willingness and desire to fulfill all of the obligations and responsibilities as an MVI station operator, the application for the new station, if all other requirements are met, may be approved.

C. Minimum Requirements for a Motor Vehicle Inspection Station

1. The following minimum requirements must be met prior to approval as an official MVI station:

a. must be in business for 90 days at the present location. However, if there is no other official MVI station within 25 miles of the applicant location, the required operation period shall be 30 days;

b. the prospective MVI station must project an image of a clean and orderly place of business;

c. MVI station location must comply with zoning codes.

#### D. Space Requirements

1. All motor vehicle inspections must be conducted on the premises licensed and must be conducted on a hard surface (concrete or asphalt). Notwithstanding any law, rule or administrative policy to the contrary, official MVI stations shall not be required to reserve a service bay or stall for the exclusive purpose of conducting motor vehicle inspections.

#### E. Equipment Required for Safety Inspections

1. The following required equipment will be readily accessible during inspection hours:

- a. windshield scraper for removing old certificates;
- b. numerical stamps (#1 through #12) 1 inch in size, an X stamp, and a black indelible ink stamp pad;
- c. tire depth gauge;
- d. measuring tape at least 6 feet in length;
- e. flashlight;
- f. tint meter (two-piece type);
- g. adjustable mirror; and
- h. a brake test area to accommodate a 20 mile per hour road test which has been approved by a safety enforcement officer or a brake testing machine which has been approved and properly installed;
- i. a telephone number listed in the telephone book under the name of the station as it appears on the station license, with a telephone located at the place of business;
- j. on board diagnostic systems test equipment and evaporative system test equipment which includes gas cap pressure test equipment as per the United States Environmental Protection Agency (US EPA) specifications. Stations must have approved equipment readily accessible and in good working order. This equipment must be in or near the inspection area. The provisions of LAC 55:III.805.E.1.j shall only apply to inspection stations located in the non-attainment area;
- k. mechanic's creeper. The provisions of LAC 55:III.805.E.1.k shall only apply to commercial motor vehicle inspection stations;
- l. soapstone marker. The provisions of LAC 55:III.805.E.1.k shall only apply to commercial motor vehicle inspection stations;
- m. floor jack or lift. The provisions of LAC 55:III.805.E.1.k shall only apply to school bus inspection stations;
- n. additional equipment may be required by the department as it may be deemed necessary, for the proper operation of an inspection station. The department shall give prior written notice of any additional equipment requirements. After such written notice is given, such additional equipment requirement shall be enforced as if included in these rules.

F. Responsibility of Station Owner or Operator Waiting on Response. Upon application for designation as an official MVI station, the owner/operator has pledged himself to:

1. act as directed by the Louisiana Department of Public Safety and Corrections when inspecting vehicles in accordance with the Official MVI Manual;
2. maintain a current, updated Official MVI Manual on the premises at all times. The manual will be furnished by the safety enforcement section. The manual will be maintained in good condition and be readily available to the mechanic inspector. Any changes in the Official Motor Vehicle Inspection Manual received by the station operator must be placed immediately in the station's Official Motor Vehicle Inspection Manual. It is the owner/operator's responsibility to ensure all of his employees involved in the inspection program are aware of any changes;
3. use only employees authorized by the Louisiana Department of Public Safety and Corrections to perform the actual inspection of motor vehicles;
4. conduct honest, thorough and efficient inspections in accordance with motor vehicle inspection laws and the department's regulations;
5. maintain in good working order all required tools and equipment described in the minimum requirements, and to cease operations immediately when this condition is not met;
6. maintain a clean and orderly place of business and shop. The owner/operator is responsible for his employees in this respect;
7. refrain from the use of alcohol or drugs while on duty;
8. keep an adequate supply of both inspection and rejection certificates and all necessary forms on hand at all times;
9. perform inspections and affix certificates of inspection only at the business location designated on the station license, affix valid certificates of inspection only to those vehicles which have been properly inspected and have passed the safety requirements, and submit the required inspection report to the local safety enforcement office;
10. have at least one approved mechanic inspector on duty to make inspections during the hours of business each normal working day. The safety enforcement section requests that stations have at least two mechanics certified for each business location;
11. be open for inspections at all times each day during normal business hours and to perform inspections throughout the year. Inspections shall be conducted a minimum of 40 hours per week;
12. ensure that all mechanic inspectors attend all meetings, training programs and various schools required by the Louisiana Department of Public Safety and Corrections;

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13. be responsible for the actions of his mechanic inspectors in all matters relating to motor vehicle inspections. All civil penalties will be addressed to the station and the payment of penalties will be the responsibility of the owner/operator. The station owner/operator is responsible for all violations concerning the operation of his/her station including the actions of his/her mechanic inspectors;

14. immediately follow all directives and instructions issued by a safety enforcement officer; and

15. properly inform all employees of the rules and regulations set forth herein. Continued supervision of all mechanics authorized to inspect motor vehicles must be maintained.

G. Requirements for Approval of Mechanic Inspectors. Before any mechanic can perform inspections, a safety enforcement officer shall approve the mechanic's qualifications and authorize him to inspect. The following requirements shall be met by each applicant prior to being approved as a mechanic inspector:

1. shall be at least 18 years of age;
2. shall not have a felony conviction for related offenses within five years of application;
3. shall be able to read and write the English language. They shall be able to complete MVI certificates and reports accurately and legibly;
4. shall possess a valid Louisiana operator's license. The operator's license shall not be subject to any order of suspension, revocation or cancellation or any other order or action which prevents the issuance of a duplicate or renewed operator's license. An approved mechanic inspector residing in a bordering state or those on active military duty shall furnish a valid operator's license from their resident state along with a copy of their driving record. The suspension, revocation, or cancellation of a mechanic inspector's operator's license shall be grounds to suspend his authority to inspect vehicles. A mechanic inspector shall notify the safety enforcement section immediately of such suspension, revocation, or cancellation of his operator's license;
5. shall successfully complete a training program conducted by the safety enforcement section before being licensed to inspect vehicles. This training shall include all aspects of the Motor Vehicle Inspection program. Mechanic inspectors employed by stations approved to inspect school buses and commercial vehicles shall also be properly trained in those areas prior to being licensed. Mechanic inspectors who wish to be employed by a station within the five parish nonattainment area must attend special training and cannot transfer from a station outside this area without first successfully passing said training;

6. a mechanic may be approved to inspect at more than one location. A separate application and fee for each location must be submitted;

7. upon completion of the training program, the mechanic will be certified as a mechanic inspector. The department will issue a license designating approval to that

mechanic, authorizing him to conduct inspections of vehicles at a particular location. The license must be produced upon request by any law enforcement officer. This license is the responsibility of the mechanic inspector. If, for any reason, the license cannot be produced, the mechanic inspector may be required to attend a motor vehicle inspection training school to be re-licensed.

H. Duties and Responsibilities of Authorized Mechanic Inspectors

1. The authorized mechanic inspector shall:

- a. always properly and thoroughly conduct an official inspection of vehicles presented for that purpose;
- b. only affix inspection certificates to an approved vehicle. By doing this, he is placing a certificate of safety on the vehicle, indicating it is safe for operation on the highway;
- c. be sure that no life may be jeopardized by his error, carelessness or indifference;
- d. owe a duty to his employer, who has pledged to assist in safeguarding the lives of motorists, to ensure against the operation of unsafe vehicles;
- e. inform the owner/operator of the actual condition of his vehicle after completion of an inspection;
- f. verify that all equipment is of an approved type and is properly adjusted as prescribed. Evaporative system test equipment must be properly calibrated as recommended by the manufacturer;
- g. perform each inspection with the understanding that he assumes full responsibility for the quality of the inspection when he signs the inspection certificate and places his name on the station's weekly/monthly log report;
- h. always remember that he has been authorized to inspect vehicles because he has demonstrated the knowledge to act as an agent of the state of Louisiana when inspecting vehicles;
- i. abide by the inspection laws, rules, regulations and/or procedures. Failure to do so by an authorized mechanic inspector may result in a civil penalty being imposed and could result in the permanent revocation of his inspection privileges and may subject him to criminal prosecution;
- j. when changing employment from one inspection station to another, the mechanic inspector shall return the old mechanic inspector license and be re-certified at the new place of employment by a safety enforcement officer before performing any inspections at the new location. Failure to obtain certification at the new location may result in revocation of the inspector's license; and
- k. determine whether the vehicle being presented for inspection should be inspected under the normal inspection procedures, school bus regulations or commercial criteria. The inspector shall not examine a vehicle he is not certified to inspect.

2. The department reserves the right to withdraw for cause its authorization of any mechanic inspector or to re-examine a mechanic inspector at any time. If a mechanic inspector has been unlicensed for one year or more he must be re-trained before inspecting any vehicle.

1. Approval as an Inspection Station

1. No inspection station shall be appointed as an official Motor Vehicle Inspection station until all of the requirements have been met.

2. If the application is approved, the applicant will be notified. Once the applicant provides a permit fee, a MVI station license will be issued to the applicant. The station will be required to pay an annual renewal fee. An applicant for a public Motor Vehicle Inspection station shall also provide a \$5,000 bond.

3. When all conditions have been met, the station license will be delivered to the station by a safety enforcement officer appointed to supervise the station. The station license will be presented to any law enforcement officer upon demand.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2422 (December 1999), amended LR 27:2260 (December 2001), repromulgated LR 28:344 (February 2002).

**§807. Operation as an Official Motor Vehicle Inspection Station**

A. Change of Name, Location and/or Ownership

1. Persons operating under a Motor Vehicle Inspection station license contemplating a change of name, location and/or ownership must notify the local safety enforcement office before a change is made. All changes must be approved by the department prior to being made by the station.

2. Before a change can be made, the former Motor Vehicle Inspection station license and all mechanic license(s) must be returned to the local safety enforcement office. New station and mechanic applications, along with the appropriate fees and a new bond, must be submitted to reflect the change. The safety enforcement section will issue a new Motor Vehicle Inspection station license and mechanic license(s). On the effective date of the change, all inspections will cease under the former Motor Vehicle Inspection station license.

3. For a change of name, location and/or ownership, a public inspection station must submit a new bond or a change rider for the existing bond.

B. Going Out of Business or Discontinuance of Inspections

1. Prior to going out of business or discontinuing inspections, a Motor Vehicle Inspection station owner/operator must immediately notify the local safety enforcement office. Either occurrence shall result in the

cancellation of the Motor Vehicle Inspection station license. All unused inspection and rejection certificates, along with the Motor Vehicle Inspection station license and all mechanic licenses, must be returned to the local safety enforcement office.

C. Official Motor Vehicle Inspection Sign (Public Stations Only)

1. All public Motor Vehicle Inspection stations will be required to display an official Motor Vehicle Inspection sign. The sign shall contain the following language: "Official Motor Vehicle Inspection Station" and shall display the seal of the state of Louisiana. The days and hours of operation must also be displayed. The sign must be displayed in such a manner as to be easily seen and readily distinguishable as an Official Motor Vehicle Inspection Station by the motoring public.

2. If the inspection station is restricted to a certain class of vehicle, another sign designating which vehicles are to be inspected must be placed immediately adjacent to the official Motor Vehicle Inspection sign. Stations authorized to inspect commercial vehicles and/or school buses must display a sign stating this. The lettering on this sign, as well as the days and hours of inspection, must be a minimum of 3 inches in height.

D. Periods of Inspection

1. All vehicles inspected under the provisions of R.S. 32:1301 through R.S. 32:1314 (Motor Vehicle Inspection Law) shall be inspected at least once annually, except as provided in Subparagraph a below.

a. Effective January 3, 2005, the department will implement a two-year inspection certificate program. During the initial phase of the program, automotive dealers of new cars and light trucks, which possess current inspection station licenses, shall be authorized to affix a two-year inspection certificate to every new passenger car or light truck sold. Where the registration of a vehicle indicates the domicile of the owner is in a parish that has been placed on the nonattainment list for ozone standards by the United States Environmental Protection Agency, that vehicle shall not be eligible for a two-year inspection certificate.

b. The fee for inspection of a passenger car or light truck and all other vehicles shall be \$10 for each year, except passenger cars or light trucks in nonattainment parishes and municipalities shall be \$18.

c. The department shall require an inspection station to make an advance payment of \$10.50 for each two-year inspection certificate issued and \$5.25 for each single-year inspection certificate issued. An inspection station may waive the fee due from the owner of the vehicle inspected. Inspection stations may redeem un-issued certificates for a refund in a manner prescribed by the Office of Motor Vehicles.

2. The inspection period shall begin January 1 of each year.

3. The re-inspection month shall be determined by the month indicated on each particular vehicle's previous inspection certificate.

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4. A vehicle presented for inspection in a month other than the expiration month noted on the previous inspection certificate shall be issued a certificate with the month the new inspection was performed.

5. Vehicles which have had windshields replaced and have a valid inspection certificate need not be re-inspected, but must carry the original certificate in the vehicle and produce it upon demand. The certificate must not be voided or mutilated and must be legible on both sides. This in no way prohibits the owner/operator from having the vehicle re-inspected after installation of the new windshield.

6. Vehicles which have had inspection certificates lost, stolen or damaged must be re-inspected. The fee may be charged for this inspection.

### E. R.S. 32:1306(G) Place of Inspection

1. Inspection stations need not reserve a bay or stall exclusively for inspections. However, a station shall give priority to customers seeking motor vehicle inspections.

2. Inspection and rejection certificates shall be issued to a vehicle only by an authorized, licensed mechanic inspector within an area approved by the safety enforcement supervisor and at the authorized inspection station.

### F. Ordering Inspection/Rejection Certificates

1. All orders for inspection or rejection certificates should be directed to the local safety enforcement office. Payment will be by money order or check made payable to the Department of Public Safety and Corrections.

2. Demands for inspection or rejection certificates should be anticipated before the station's supply is depleted. Every Motor Vehicle Inspection station will be required to have an adequate supply of certificates on hand at all times. Mail orders should allow 10 working days for delivery. Also, a note should be on the outside of the envelope indicating that a sticker order is enclosed.

3. Except as otherwise provided in LAC 55, Part III, Chapter 8, inspection and rejection certificates are not transferable from one Motor Vehicle Inspection station to another. However, report forms, requisition forms and stamps may be borrowed from another station.

4. Only authorized commercial Motor Vehicle Inspection stations will be permitted to purchase commercial inspection certificates.

5. Motor vehicle inspection certificates and rejection certificates, requisitions forms, weekly/monthly log reports and all other documents may be obtained from the department.

### G. Lost or Stolen Inspection/Rejection Certificates

1. All inspection and rejection certificates are the property of the Louisiana Department of Public Safety and Corrections and must be safeguarded against loss. They must be kept in a secure place under lock and key, available only to the mechanic inspector. (Inspection/rejection certificates can only be placed on an inspected vehicle.)

2. Each inspection station will be accountable for each inspection and rejection certificate it receives from the department. Lost or stolen certificates must be accounted for on the weekly/monthly log report by numerical listing. In lieu of the inspection information, the word "lost" or "stolen" must be noted on the weekly/monthly report by that certificate number.

3. Should an inspection or rejection certificate be lost or stolen, the local safety enforcement office must be notified immediately. If a theft is suspected, the local law enforcement agency shall be asked to investigate the theft and forward a copy of the police report to the local safety enforcement office.

4. The loss of any certificates may be grounds for the imposition of a civil penalty or revocation of the station license. Theft of certificates or possession of stolen certificates may result in prosecution of the person(s) responsible.

H. Warning Notices. A written warning may be issued by a safety enforcement officer for any infraction of the rules and regulations. This will become a permanent part of the station's file and will be a basis for determining the issuance of a civil penalty or revocation. A copy shall be given to the mechanic inspector and/or the station owner at the time of issuance.

### I. Motor Vehicle Inspection Weekly/Monthly Log Report

1. All entries must be legible and made in black ink only. The audit number of the inspection or rejection certificates issued must be listed in numerical order and must be shown on the report. All other required information must be provided for the vehicle inspected. Vehicle information will be obtained from the registration. The operator's license number must be taken from the driver's license and not from the registration.

2. Torn, voided or damaged inspection or rejection certificates must be recorded on the log report. Lost or stolen certificates must also be listed numerically on the report (see Subsection G. Lost or Stolen Inspection/Rejection Certificates).

3. Failure to submit all required information on the weekly/monthly report may result in the issuance of a civil penalty or revocation of the Motor Vehicle Inspection station license for that station. Falsifying information on any official document, including the inspection report, is a criminal offense. Felony charges may be brought against anyone providing fraudulent information on an inspection report or forging anyone's signature.

4. The public Motor Vehicle Inspection station's week will begin on Saturday and end at the close of business on the following Friday.

5. Dealer, fleet, public and government Motor Vehicle Inspection stations will no longer be required to submit log reports to the department.

6. Log reports shall be kept in the log book at the Motor Vehicle Inspection station for 14 months. These reports shall be available for inspection by department personnel or law enforcement officers.

7. If a station does not inspect any vehicles during a given week (public) or month (fleet, government or dealer), a log report shall be prepared with the word "none" written across the report.

8. Authorized commercial Motor Vehicle Inspection stations are also required to follow the above regulations.

9. Until electronic submittal of data is implemented, the Louisiana Vehicle Inspection/Maintenance Parameter Form must be properly filled out by stations in the five parish non-attainment area for every vehicle which requires an emissions test. Parameter Forms should be mailed directly to the Department of Public Safety, Safety Enforcement, 527 Florida Boulevard, Room 303, Denham Springs, LA 70726. In the non-attainment area there may be separate and additional reports required as mandated by the Department of Environmental Quality. Stations within this area are to properly complete all required reports and they must be postmarked no later than Saturday, 12 noon each week.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304 -1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2424 (December 1999), amended 27:2260 (December 2001), repromulgated LR 28:345 (February 2002), amended LR 30:2859 (December 2004).

#### **§808. Out-of-State Inspection Stations**

A. All inspections of motor vehicles registered in Louisiana pursuant to the International Registration Plan, if conducted outside the state of Louisiana, shall be conducted in the same manner as those inspections conducted in Louisiana.

B. All inspection reports shall be received by the safety enforcement section no later than the fifth day of the month following the month in which the motor vehicle was inspected at the out-of-state inspection station. The reports shall be mailed to the:

Office of State Police  
Safety Enforcement Section  
Box 66614  
Baton Rouge, LA 70896

or hand-delivered at the:

Safety Enforcement Section Headquarters (at)  
265 South Foster Drive  
Baton Rouge, LA 70806

C. Prior to issuing a certificate of appointment authorizing an out-of-state inspection station, the applicant shall provide the full name, telephone number (including area code), complete mailing and physical addresses of two contact persons. One contact person shall be located inside the state of Louisiana, and one contact person shall be located at the site of the out-of-state inspection station.

D. All mechanic inspectors shall be trained in Louisiana by a safety enforcement officer.

E. All inspection certificates shall be mailed directly to an address in Louisiana designated by the operator, and the operator shall be responsible for distributing the inspection certificates to each of the operator's inspection stations with a certificate of appointment. It shall be the responsibility of the fleet operator to maintain records reflecting the distribution, reallocation, and use of the inspection certificates.

F. It shall be the responsibility of the contact person located at the out-of-state inspection station, upon receipt of the inspection certificates from the operator's designated Louisiana address, to notify the operator's Louisiana office of the receipt of the inspection certificates. The contact person shall verify the audit numbers of the certificates received and include a statement of this verification in the notice required in §808.F. The notification required by §808.F shall be in writing and shall be kept at the operator's Louisiana office.

G. The inspection log books shall be sent to the operator's Louisiana office, and the operator's Louisiana office shall have the responsibility of forwarding the log books to the out-of-state inspection station.

H. All lost or stolen inspection stickers shall be reported to the safety enforcement section and to a law enforcement agency having criminal jurisdiction over the location of the out-of-state inspection station. The notice required by this Subsection shall be in writing and shall be sent to the Safety Enforcement Section Headquarters in Baton Rouge, LA. The safety enforcement section headquarters shall also be provided, by the out-of-state contact person, with a copy of the police report completed by a commissioned member of the agency contacted regarding the loss or theft of the inspection stickers.

I. Each out-of-state inspection station shall place inspection reports in numerical order prior to submitting the reports to the Safety Enforcement Section Headquarters in Baton Rouge, LA. All inspection stickers shall be accounted for, and any missing inspection stickers shall be documented by the lost or stolen report required in this Section. Any inspection sticker remaining unused at the end of the calendar year shall be destroyed or returned to the safety enforcement section. In either case, a record of the disposition of the remaining stickers shall be submitted to the safety enforcement section.

J. All out-of-state inspection stations are subject to unannounced inspection of their facilities by safety enforcement officers between 8 a.m. central time and 4:30 p.m. central time. All out-of-state inspection station employees shall cooperate fully with the safety enforcement section personnel conducting the inspection. All out-of-state inspection stations are subject to inspections at other times if the station is in operation at the time of the safety enforcement inspection. All records relating to motor vehicle inspections located at the out-of-state inspection station shall be made available immediately upon request by personnel of

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the safety enforcement section. All such records are subject to seizure in connection with such investigation, unless the safety enforcement officer in charge of the inspection determines that accurate and acceptable copies can be obtained. The applicant shall have the burden of providing such copies.

K. All personnel assigned to the safety enforcement section are authorized to conduct, or assist in the conduct of, any investigation of an out-of-state inspection station. The deputy secretary of the Department of Public Safety and Corrections, Public Safety Services may assign personnel from other offices, divisions, or sections of the department to conduct, or assist in the conduct of, any investigation, and any such personnel shall have the same authority as personnel of the safety enforcement section. Safety enforcement officers may conduct an investigation of any complaint concerning the condition of any motor vehicle inspected by an out-of-state inspection station. Any complaint arising from a motor vehicle condition report, an accident report from any law enforcement agency located inside or outside Louisiana, or written complaint from a member of the public may be investigated by personnel of the safety enforcement section.

L. All out-of-state inspection stations shall adhere to all Louisiana laws governing the Motor Vehicle Inspection Program, as well as all rules and regulations in the most current *Motor Vehicle Inspection Manual*. It is the responsibility of the permittee to maintain a current manual at any inspection station and to make all inspectors aware of the contents of the manual.

M. The operator, as well as each appointed out-of-state inspection station, shall comply with all orders issued by the safety enforcement section or its personnel or any other employee of the department acting under the direction of the deputy secretary of the department, as provided in this Section.

N. Any violation of any rule regarding motor vehicle inspections, any statute regarding motor vehicle inspections, or any order issued by, or on behalf of, the safety enforcement section may serve as grounds to initiate an administrative proceeding to impose a sanction. The sanctions which may be imposed as a result of an administrative proceeding include the suspension, revocation, or cancellation of any or all certificates of appointment authorizing the operation of an inspection station or stations, or the imposition of a fine or other penalty, as is appropriate in each case.

O. The deputy secretary of the Department of Public Safety and Corrections, Public Safety Services may impose conditions, restrictions, or limitations on any permit without regard as to whether any violation has occurred.

P. The safety enforcement section, any employee of the safety enforcement section, or any employee of the department assigned by the deputy secretary to assist the safety enforcement section, may issue written orders to any inspection station or permittee in connection with the enforcement of the motor vehicle inspection statutes or rules.

Any order issued in connection with an onsite inspection is effective immediately, whether or not the order is in writing. The permittee may seek a hearing to review any order, but any order issued in connection with an onsite inspection is not automatically stayed by the submission of a hearing request.

Q. The operator, as well as any employee of the operator participating in any violation of these rules, the state statute regarding motor vehicle inspections, or any order by or on behalf of the safety enforcement section, are subject to the administrative penalties of this Section.

R. Any business entity domiciled in Louisiana, or any foreign business entity authorized to do business in Louisiana, already permitted to operate a fleet inspection station or whose commercial vehicles are registered in Louisiana and who wishes to operate an out-of-state inspection station shall make a written request to the:

Office of State Police  
Safety Enforcement Section  
Box 66614  
Baton Rouge, LA 70896

S. All applications for a certificate of appointment to operate an out-of-state inspection station and for a mechanic inspector at such out-of-state inspection station shall be subject to an investigation of the background of the applicant. The background investigation shall consist of a review of the same requirements as are contained in §807 for appointment of inspection stations and approval of mechanic inspectors, except that a mechanic inspector need only possess the appropriate class driver's license for the type of vehicle he inspects, issued from the state in which he resides or works. The safety enforcement section shall maintain a list of all applicants for certificates of appointments to operate inspection stations and all applicants seeking to be mechanic inspectors at an inspection station. The listing shall indicate those persons and entities which have been approved and those persons and entities which have not been approved.

T.1. The operator shall be responsible for the reimbursement of the actual costs incurred by the department in administering the out-of-state inspection program. The costs shall include the expenses incurred for travel, meals, lodging, and other related administrative expenses incurred in connection with the application for a certificate of appointment, the initial inspection in connection with commencement of operation of the out-of-state inspection station, and any subsequent inspection or investigation of the out-of-state inspection station to insure all requirements of state statutes, the rules regarding motor vehicle inspections, or any order issued by or on behalf of the safety enforcement section are met.

2. The travel expenses incurred in connection with any out-of-state travel shall comply with the travel policies established by the Division of Administration in the Governor's Office. The manner in which travel to the site of an out-of-state inspection station is accomplished shall be at the sole discretion of the department, subject to the policies of the division of administration.

U. The provisions of §807 govern all aspects of regulation of out-of-state inspection stations including applications for appointment or approval, training, inspection requirements, and reporting requirements, except as expressly provided in this Section and except in the instance of conflict between the provisions of §807 and §808, in which case the provisions of §808 shall apply.

V. Only those inspection stations which qualify as fleet stations are eligible for appointment as out-of-state inspection stations, except that the fleet must consist of at least 40 motor vehicles registered in Louisiana pursuant to the International Registration Plan.

W. Any request for an administrative hearing shall be made, in writing, to the Safety Enforcement Section Headquarters at Post Office Box 66614, Baton Rouge, LA, 70896 within 30 days of the date of the issuance of the notice of administrative action on a violation, the date of issuance of an order issued by or on behalf of the safety enforcement section, or the date of issuance of any other action of the safety enforcement section.

X. Unless specified otherwise, in writing, and except as provided above, a request for an administrative hearing shall stay the enforcement of any action or order of the safety enforcement section.

Y. Any person seeking a declaratory order or ruling regarding the application or interpretation of any statute or rule, as it may apply to motor vehicle inspections or regarding the validity of any rule as it may apply to motor vehicle inspections, shall make such request in writing. Any request for a declaratory order or ruling shall be mailed to the Safety Enforcement Section at Post Office Box 66614, Baton Rouge, LA 70896. Such request shall be typed, printed, or written legibly and shall include the full name, mailing address, physical address, and daytime telephone number of the person making the request. Such request shall include citations to legal authorities the person believes to be relevant to the issue or which the person wishes to be considered in connection with such declaratory order or ruling. If the matter over which the person seeking the declaratory order or ruling involves a person(s) other than the one making the request, then the person requesting the order or ruling shall notify the involved person(s) by certified mail, return receipt requested, prior to submitting the request to safety enforcement. The failure to comply with these requirements shall be grounds to refuse to render an order or ruling.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:1301 et seq.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 23:1701 (December 1997), amended LR 24:477 (March 1998).

### **§809. General Inspection Requirements**

#### **A. Fees for Inspection**

1. The fee for safety and commercial inspections will be the current fee set by law for each inspection performed. Headlamp adjustments are included in this charge. No sales tax will be collected on inspections.

2. A fee may be charged by the inspection station for every inspection done whether approved or rejected.

3. A rejected vehicle is entitled to one free re-inspection if returned to the same inspection station within the allowed period of time.

#### **B. Repairs or Adjustments**

1. Headlamp adjustments are included in the inspection of a vehicle as stated in R.S. 32:1306(C)(2). No other repairs or adjustments should be made without authorization by the owner or operator of the vehicle. Any unauthorized repairs or adjustments may result in a civil penalty being imposed or the revocation of the station's license and/or mechanic inspector's license.

2. The owner of a vehicle is under no obligation to have defects corrected by the inspection station. The owner may have the vehicle repaired where he chooses or may repair the vehicle himself. The inspection station is only required to perform a complete and proper inspection.

#### **C. Issuance of Inspection Certificates**

1. An inspection certificate will be issued for every vehicle inspected which passes the safety requirements. The month that a certificate is issued shall be indicated by an insert placed in the appropriate area of the certificate. The year the certificate expires will also be indicated by an insert placed in the appropriate block on the certificate. All of the information on the back of the sticker must be filled in with black indelible ink. The certificate will be firmly attached to the lower left-hand corner of the windshield as viewed from the driver's seated position. Under no circumstances will an inspection certificate be applied to the windshield without the month and year of expiration being noted in the appropriate blocks provided.

2. Mechanic inspectors shall fill in all requested information on the back of the inspection sticker and sign in the appropriate space using a black ink pen.

3. When inspecting motorcycles, motor driven cycles, trailers and semi-trailers, an "X" will be stamped on the face of the inspection certificate. Under no circumstances will the stamp cover the month nor the year of expiration insert or the audit number of the inspection certificate. Inspection certificates of this type will be attached to the registration certificate for the vehicle.

4. All trailers will be considered a separate inspection and a certificate will be issued for each. A separate fee will be charged for each vehicle inspected. The inspection certificate for a trailer will never be placed on the windshield of the towing vehicle.

5. Each inspection shall be a complete inspection. All of the items noted within these rules and regulations shall be inspected.

6. Pre-inspections cause hardship for the customer and will not be allowed.

7. Use of the stamp kit in place of certificate inserts is prohibited unless authorized by the safety enforcement office. Marking pens are not to be used in place of an insert.

## PUBLIC SAFETY

### D. Issuance of Rejection Certificates

1. When a vehicle is presented for inspection and fails to pass the safety standards, the current fee will be charged for the service of inspecting the vehicle. The owner or operator will be advised of the defects causing the vehicle to fail inspection.

2. A rejection certificate is valid for a time period of 30 days from the date of issuance. The owner or operator of the rejected vehicle is allowed this 30 day period to make the necessary repairs or replacements which will place the vehicle in compliance. If the vehicle presents no hazard to the public, it may be used for normal activities. If the vehicle presents a definite hazard to the public, a restricted 20 mile limitation on usage may be imposed (see Subsection E, Issuance of Restricted Rejection Certificate).

3. When a rejected vehicle is returned to the same inspection station within 30 days of issuance, the inspector is required to check only the items previously found defective unless other obvious defects are noted. There is no charge for this re-inspection provided that the defects are corrected and the vehicle is returned to the same inspection station within the 30 day time period. If the vehicle is taken to another inspection station, a complete inspection is to be performed and another fee is required.

4. Only one rejection certificate may be issued to a vehicle. Under no circumstances shall any station issue a second rejection certificate to a vehicle.

5. An inspection station may not issue a rejection certificate solely because the station is out of inspection certificates. If the station's supply of inspection certificates becomes depleted, the station must completely cease inspecting until a new supply of certificates is obtained.

6. All rejection certificates must be entered in the weekly/monthly log report in numerical order and must be accounted for. The log report must indicate the items found defective by making a notation in the appropriate blocks provided. The reverse side of the rejection certificate must also indicate the defective items found.

7. Should the owner or operator of a rejected vehicle refuse to accept the rejection certificate, it will be noted as such on the log report. The completed rejection certificate will be attached to the log report and sent to the local safety enforcement office at the end of the inspection week as required.

8. The rejection certificate must be filled out in black ink only. It will be noted on the reverse side of the rejection certificate, the date of inspection, a brief description of the vehicle and the expiration date of the rejection certificate. The face of the rejection certificate will be stamped with the number of the month in which the vehicle was inspected.

9. The rejection certificate will be affixed to the lower left-hand corner of the windshield as viewed from the driver's seated position. The owner or operator will be told by the mechanic inspector of the 30 day expiration of the certificate and what items caused the vehicle to fail inspection. The owner or operator will be advised of the procedure for re-inspection.

10. If the vehicle is returned for re-inspection within the 30 day limit and the defective items have been corrected, and for some reason the station cannot re-inspect the vehicle, the fee collected at the time of rejection must be returned to the owner or operator.

11. If the vehicle fails inspection due to an emission system defect, the reverse side of the rejection certificate will be marked to indicate which system failed.

### E. Issuance of Restricted Rejection Certificates

1. If a rejected vehicle presents a definite hazard to the public, the vehicle's usage shall be restricted. A restricted rejection certificate shall be issued limiting the vehicle's usage to 20 miles. The owner or operator still has 30 days to repair the defective item(s). The vehicle should only be used to be repaired, inspected or returned to the owner or operator's residence. The face of the rejection certificate will be marked with the number of the month it is issued along with an X stamped next to it. The mileage at which the rejection will expire will be placed on the face of the certificate. The date of expiration will also be noted on the certificate.

2. A vehicle would be classified as restricted when one or more of the following items causes a rejection. This does not eliminate the fact that a combination of defects may also render the vehicle unsafe and, therefore, restricted:

- a. no liability insurance;
- b. steering;
- c. tires, wheels and rims;
- d. braking system;
- e. tail lights or stop lights; or
- f. exhaust systems.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:1304-1310.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2426 (December 1999).

### §811. Inspection Procedures

A. The mechanic inspector shall record the expired sticker number on the log report then remove the expired sticker prior to continuing with the inspection.

B. The mechanic inspector will conduct a review of the documents for the vehicle ensuring that all documents are in agreement.

1. Certificate of Registration. Contains information which must be verified with the corresponding information on the vehicle. A photocopy or original registration is acceptable. In lieu of a registration certificate, a vehicle may be inspected with a valid temporary marker.

2. Vehicle Identification Number (VIN). The VIN must agree with Certificate of Registration and the insurance document. It must match the VIN displayed on the vehicle.

3. License Plate. The registration indicates a license plate number and expiration date of the plate. This information must correspond with the information displayed on the vehicle. The license plate cannot be expired.

a. Vehicles which display apportioned license plates for trucks which travel out of Louisiana are issued a Louisiana apportioned cab card in lieu of a registration. This cab card indicates the license plate expires at the end of December. However, a grace period exists which extends the expiration of the license plate until the end of February.

b. A temporary registration authorization indicating an apportioned plate has been applied for is also acceptable in lieu of a registration. When this condition exists, no license plate is present. The temporary registration allows the vehicle to be used until the apportioned plate and cab card are issued.

c. Vehicles which display either a dealer plate or a temporary cardboard plate with green lettering on a white background are exempt from presenting a registration certificate. The driver must provide proof of fleet liability insurance coverage. The insurance must be in the name of the dealership which carries the vehicle in its inventory.

d. Drivers of vehicles which display a valid 60 day temporary marker must also present a bona fide bill of sale. The bill of sale must indicate the vehicle was purchased within 60 days from the date the vehicle is presented for inspection.

e. All vehicles which display a public license plate are exempt from presenting a registration certificate and proof of insurance. City, parish or state-owned vehicles, if licensed with Louisiana license plates, are required to be inspected and must meet the same requirements of any other vehicle of that same size and weight.

4. Operator License: Must be valid and in the immediate possession of the vehicle operator. It must be presented to the mechanic inspector, and the license number must be taken from the driver's license and recorded in the appropriate block on the weekly/monthly log report.

a. A valid out-of-state driver's license is acceptable. The state in which it was issued must be noted on the log report.

b. A temporary driving permit issued in connection with a traffic violation when the operator's license is held may be accepted until the permit expires on the court date noted.

c. When inspecting motorcycles, the operator's license must have a motorcycle endorsement.

d. Operators of school buses and commercial motor vehicles must possess the appropriate type commercial driver's license.

5. Proof of Current Liability Insurance: Must be shown to the mechanic inspector. The vehicle operator must also sign the log report indicating the vehicle is covered by liability insurance. (Note: Government vehicles are exempt from furnishing proof of insurance.) One of the following must be presented as proof of insurance.

a. A current certificate of insurance, motor vehicle liability insurance policy (or duplicate of the original) or a binder for the same is acceptable. A vehicle's policy identification card or photocopy of the same may also be accepted. These documents shall designate the name of the insurance company affording coverage, the policy number, the effective dates of coverage (both the beginning and ending dates are required) and a description of the vehicle covered including the VIN. A binder must be an official accord binder form and can be handwritten.

b. A copy of a motor vehicle liability bond. This document may or may not describe the vehicle covered.

c. A certificate from the state treasurer indicating a deposit was made to the state. It will not have a description of the vehicle, but the vehicle must be registered under the same name as noted on the certificate.

d. A certificate of self-insurance issued by the Louisiana Department of Public Safety and Corrections. It is not required to describe the vehicle covered.

6. License Plate Mounting and Condition: In addition to being valid, the license plate will be inspected for the following:

- a. must be secured to their mounting brackets;
- b. must be clean, clearly visible and readable for a distance of 50 feet to the rear of the vehicle. Plates shall not be obscured or damaged so that the numbers cannot be identified;
- c. must be mounted in the rear;
- d. truck-trailer, emergency fire fighting equipment, dump-body trucks, trucks over 6,000 pounds and forestry product licensed vehicles may display the plate on either the front or rear of the vehicle.

C. All vehicles presented for inspection will be inspected for all of the following items: vehicle registration, vehicle license plate, driver's license and proof of liability insurance.

D. Every motor vehicle, trailer, semi-trailer and pole trailer registered in this state shall bear a valid safety inspection certificate issued in the state of Louisiana.

E. The director may authorize the acceptance of out-of-state inspection certificates when the state's inspection laws are similar to those stated herein. The director may also extend the time within which a certificate shall be obtained by the resident owner of a vehicle which was temporarily out of state during the time an inspection was required. However, once the vehicle is returned to Louisiana, a valid Louisiana inspection certificate must be obtained immediately.

F. State mechanic inspectors must check registrations prior to inspecting vehicles. Any vehicle registered in the municipalities of New Orleans, Kenner or Westwego must be inspected in those municipalities. In addition, inspectors must refer to the four digit domicile code on the registration. Effective January 2000, any vehicle registered with a domicile code beginning with 03 (Ascension Parish), 17

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(East Baton Rouge Parish), 24 (Iberville Parish), 32 (Livingston Parish), or 61 (West Baton Rouge Parish), the Nonattainment Area, must be inspected within that five parish area. There is no longer an exception to this rule.

G. When a vehicle is presented for inspection, the mechanic inspector will collect the inspection fee and request that the driver present his operator's license, vehicle registration certificate and proof of liability insurance for the vehicle being inspected.

H. The vehicle registration must indicate an address other than in Kenner, Westwego or New Orleans. Residents of these areas are required to comply with the municipal ordinances of periodic inspections of the area in which they reside. Exception: In hardship cases approved by a safety enforcement officer, vehicles from these areas with an expired inspection certificate may be inspected at state inspection stations which will be valid until the return of the vehicle to these municipal areas.

I. The mechanic inspector shall verify whether or not he is qualified to inspect and the station is approved for the vehicle type being inspected, such as a passenger vehicle, commercial vehicle, school bus, etc.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2427 (December 1999).

### **§813. Required Equipment**

A. Inspected items must be in proper condition and adjustment such that the item does not pose an unsafe condition as to endanger any person or property.

#### **B. Speedometer/Odometer**

1. The speedometer and odometer will be checked while road testing the vehicle.

2. Proper operation of the speedometer is required.

3. The speedometer shall indicate miles per hour (mph) traveling.

4. The odometer shall accurately calculate the mileage driven. The actual mileage must be recorded on the log report.

#### **C. Horn**

1. The horn shall be securely fastened.

2. The horn shall be an original type horn or an equivalent.

3. The horn shall be functional and audible for a distance of 200 feet.

4. The horn button shall be readily accessible to the operator.

5. An auxiliary horn must be wired to a separate switch.

#### **D. Brakes**

1. Every vehicle required to be equipped with brakes must be tested and shall be capable of meeting the requirement as herein stated concerning performance ability.

2. The test for stopping distance shall be made on a substantially level, dry, smooth, hard surface that is free from loose material. It will be conducted at a rate of 20 miles per hour and must meet the minimum breaking distance as listed below. The vehicle shall not pull to the right or the left causing the vehicle to excessively alter its direction of travel.

3. A platform brake tester may be used instead of performing the road test. Before attempting to inspect a vehicle's brakes with a platform brake tester, the mechanic inspector shall be trained on and have experience in the use of the machine. The machine shall have adequate capacity. The mechanic inspector shall follow all tester manufacturer's directions.

#### **4. Classifications for brake application**

a. Passenger vehicles with a seating capacity of 10 people or less including driver and not having a manufacturer's gross vehicle weight rating shall have a braking distance of 25 feet.

b. Single unit vehicles with a manufacturer's gross vehicle weight rating of less than 10,000 pounds shall have a braking distance of 30 feet.

c. Motorcycles and motor-driven cycles shall have a braking distance of 30 feet.

d. Single unit vehicles with a manufacturer's gross weight rating of 10,000 pounds or more shall have a braking distance of 40 feet.

e. Combination of a two-axle towing vehicle and a trailer with a gross trailer weight of 3,000 pounds or less shall have a braking distance of 40 feet.

f. Buses, regardless of the number of axles, not having a manufacturer's gross weight rating shall have a braking distance of 40 feet.

g. All combinations of vehicles in drive away, tow-away operations shall have a braking distance of 40 feet.

h. All other vehicles and combination of vehicles shall have a braking distance of 50 feet.

#### **E. Brake Requirement**

1. Any vehicle registered as a farm trailer, farm semi-trailer, rubber-tired farm wagon, drawn rubber-tired farm equipment or implements of husbandry manufactured or assembled prior to January 1, 1973, and operated or moved only incidentally on the highways of this state, shall be exempt from brake requirements provided that:

a. the gross weight does not exceed 10,000 pounds;

b. the speed does not exceed 30 miles per hour;

c. fertilizer distributors or spreaders are exempt from brake requirements. Commercially owned anhydrous ammonia nurse tank trailers used for the transportation and storage of fertilizer are exempt from the braking requirements.

2. Every registered vehicle when presented for inspection shall be equipped with brakes in accordance with the requirements herein stated.

a. Every motor vehicle, other than motorcycles or motor driven cycles, shall be equipped with brakes adequate to control movement of and to stop and hold movement of such vehicle. Two separate means of applying brakes are required, each of which shall effectively apply brakes to at least two wheels and shall be capable of complying with the brake performance shown in the classification table.

b. Every motorcycle and every motor driven cycle shall be equipped with at least one brake which may be operated by hand or foot capable of complying with the performance requirements shown in state law.

c. Every motorcycle and every motor driven cycle manufactured with two wheels shall be required to be equipped with brakes on both wheels.

d. Every 1963 or later model year motor vehicle shall be equipped with brakes on all wheels.

e. Every trailer or semi-trailer exceeding 3,000 pounds gross weight shall be equipped with brakes acting on all wheels.

3. The following exceptions exist.

a. Trailers and semi-trailers having a gross weight between 3,000 pounds and 5,000 pounds need only be equipped with brakes on a single axle.

b. Trailers and semi-trailers manufactured or assembled prior to January 1, 1963, need only be equipped with brakes on a single axle provided the combination of vehicles, consisting of the towing vehicle and its total load, is capable of complying with the performance requirements.

c. Farm trailers and semi-trailers manufactured or assembled prior to January 1, 1973, need not be equipped with brakes. Every farm trailer and farm semi-trailer manufactured or assembled on or after January 1, 1973, and having a gross weight exceeding 3,000 pounds shall be equipped with brakes in accordance with the requirements set forth above.

d. Log trailers shall be exempt from brake requirements until January 1, 1973, after which time they shall be equipped with brakes in accordance with the requirements set forth above.

e. Trucks and truck-tractors, 1963 and older, which have had an additional axle and wheels (tag axle) added for the purpose of allowing a greater payload must be capable of complying with brake performance requirements for the additional weight or be equipped with brakes on the additional tag axle in order to meet the brake performance requirements.

f. Vehicles carrying forest products in their natural state shall not be required to have a brake on the drag axle if the wheels of the drag axle touch the ground only when the vehicle is loaded. However, this provision does not apply to trailers or trucks with more than two axles.

#### F. Parking Brakes

1. The parking brake will be inspected for the proper operation of the alternative braking system. The parking brake shall operate as originally equipped. The brake must be inspected for proper setting and release functions.

#### G. Lighting System

1. All required bulbs or sealed beams must light when activated. All lamps must be of an approved type.

2. Auxiliary lighting equipment must not be placed on, in or in front of any lamp nor will auxiliary lighting interfere with the necessary visibility width of any lamp.

3. All lamp assemblies must be properly fastened.

4. No rear lamp is allowed with a broken, missing or defective lens which allows white light to be visible to the rear of the vehicle.

5. The use of tape on the surface of the rear lens or the use of any shield that covers any portion of the light will not be allowed unless originally factory equipped.

6. Any after market auxiliary lamp installed on a vehicle that is designed to emit white light or any auxiliary lamp mounted facing forward must be covered when used on public streets and highways. If auxiliary lamps are not properly covered, the inspector shall reject the vehicle.

#### H. Headlamps

1. All motor vehicles, except motorcycles, motor scooters and motor bikes shall be equipped with at least two operable headlamps, emitting white light only. These headlamps may be the multiple beam type or the single beam type. The type headlamp with which the vehicle is equipped will determine what requirements must be met.

2. Motor vehicles must have at least two headlamps, but not more than four headlamps, half mounted on each side on the front of the vehicle.

3. The mounted height of headlamps, measured from the center of the lamp to the level ground, will not be more than 54 inches nor less than 24 inches.

4. All vehicles must be equipped with an operable dimmer switch and beam indicator (high or low beam designation).

5. Headlamp concealment devices must remain fully open when the headlamp is illuminated. The concealment device must be opened automatically or manually without the use of any tools.

6. Aiming of headlamps is as follows.

a. The inspection shall include the adjustment of headlights when needed and if mechanically practical. This service shall be performed at no additional cost to the operator of the motor vehicle.

## PUBLIC SAFETY

b. Headlights shall be aimed using only approved equipment and following manufacturer's recommendations.

7. Any after market auxiliary lamp installed on a vehicle's roof or on a roll bar that is designed to emit white light must be covered when used on public streets and highways. If auxiliary lamps are not properly covered, the inspector shall reject the vehicle.

I. Parking Lamps on the Front of the Vehicle. When actuated, the front parking lamps must display either white or amber light. These lamps must operate as originally equipped.

### J. Turn Indicator Lamps, Front and Rear

1. Any vehicle manufactured or assembled after December 31, 1962, must be equipped with lamps which indicate the direction of a turn displaying the signal to both the front and rear of the vehicle.

2. Front Turn Indicator Lamps. Both front turn indicator lamps must be mounted on the same level and display an amber light, except those vehicles manufactured or assembled prior to January 1, 1969. Those vehicles may emit either a white or amber colored light.

3. Rear Turn Indicator Lamps. Both rear turn indicator lamps must be mounted on the same level with one on each side of the vehicle. The lamps may emit either red or amber color light only. The lens covering the lamp may not be cracked, broken or missing causing white light to be emitted to the rear of the vehicle. The lens must be of an original type lens.

4. The signal cancellation must operate as originally equipped and cancel the signal when the turning maneuver is completed, except for truck-tractors, motorcycles or motor driven cycles.

### K. Tail Lamps

1. Tail lamps must be covered with an original type lens. It cannot be cracked, broken or missing any of the lens which would emit white light to the rear of the vehicle.

2. Vehicles manufactured or assembled after December 31, 1962, must be equipped with two tail lamps.

3. The tail lamp must emit red light only.

4. The maximum height of tail lights is 72 inches and the minimum height allowed is 15 inches.

### L. Stop Lamps

1. Vehicles manufactured or assembled after December 31, 1962, are required to have two operational stop lamps with the exception of motorcycles, motor driven cycles or truck tractors, which must have at least one.

2. The stop lamps must emit red light only visible at least 300 feet to the rear of the vehicle.

3. The stop lamps must operate as originally equipped.

4. The lens covering the stop lamp must be of an original type not broken, cracked or missing any portion which allows white light to be emitted to the rear of the vehicle.

### M. High Mount Brake Lamp

1. All passenger vehicles manufactured September 1, 1985, and thereafter must be equipped with a third stop lamp. This lamp is to be mounted in the line of sight near the rear window with at least 4 1/2 inches of exposed red area on the lens. Light duty trucks with the model year 1995 and later are required to have high mount lamps.

2. The high mount brake lamp must be present and operate as originally equipped.

3. The vehicle shall be rejected if the high mount brake lamp is obscured by any add on item such as ladder racks, luggage racks, etc. Light duty trucks that are equipped with high mount brake lamps and have had a camper top installed must have a similar high mount brake lamp installed on the camper top in a corresponding position in the rear. If the vehicle comes equipped with a high mount brake lamp, it cannot be obscured by any after market item unless it is replaced with a comparable lamp as originally equipped and visible from the rear of the vehicle.

### N. Back-Up Lamps

1. Vehicles manufactured or assembled after January 1, 1969, must be equipped with no more than two back-up lamps.

2. The back-up lamp must emit a white light only.

3. The back-up lamps must be lighted only when the vehicle is in reverse gear and must not light when the vehicle is in any other gear.

### O. License Plate Lamp

1. The license plate lamp must illuminate the license plate making it visible for 50 feet to the rear.

2. The lamp is to be lighted with white light only when headlamps or auxiliary driving lamps are lighted. Except for antique vehicles, the use of neon lights or the use of any other lights which obscure the license plate is prohibited.

### P. Outside/Inside Rearview Mirrors

1. From the driver's seated position, visually inspect the left outside rearview mirror and the interior mirror for clear and reasonably unobstructed view 200 feet to the rear.

2. The mirrors should not be cracked, pitted or clouded to the extent that the driver's vision would be obscured. Inspect mirrors for correct location and stable mounting.

3. Mirrors must maintain set adjustment so that the rear vision is not impaired.

4. All vehicles manufactured after December 31, 1972, must be equipped at the factory with a left-hand, outside rearview mirror. This includes motorcycles and motor driven cycles. If two outside mirrors are utilized, no inside mirror is required.

#### Q. Windshield Wipers

1. U.S. vehicles produced after January 1, 1968, must be equipped with a wiper system capable of operating at two or more speeds. Two wipers are required if the vehicle was originally equipped with such. All motor vehicles equipped with windshields, except motorcycles and motor driven cycles, are required to have windshield wipers.

2. Windshield wipers must operate as originally equipped to operate. If vacuum operated, the engine must be idling and the control must be turned on to the maximum setting.

3. Windshield wipers shall not smear or severely streak the windshield.

4. Proper contact of the blades with the windshield is required. Inspect by raising the arm away from the windshield and then release it. The arm should return to the original position or should urge the wiper blade to contact the windshield firmly.

5. The condition of the blades and metal parts must be checked.

6. Metal parts and blades shall not be missing or damaged. Blades shall not show signs of physical breakdown of rubber wiping element. Rubber blades shall not be damaged, torn or hardened to the point that they do not clear the windshield.

7. The windshield wiper control shall be within reach of the driver.

#### R. Windshield Washers

1. Legislative Act 129, 1992, L.R.S. 32:356(B) states all vehicles six years old or older are not required to have working windshield washers. All other vehicles are required to have operating windshield washers.

#### S. Windshields

1. Every passenger vehicle, other than a motorcycle, shall be equipped with an adequate windshield.

2. For inspection purposes, the windshield is composed of three areas as follows.

a. Acute Area. The acute area is directly in the driver's line of vision in the center of the driver's critical area. It is 8 1/2" x 11", the size of a standard piece of paper. In this area no cracks are allowed. No more than two stars, nicks, chips, bulls eyes or half moons in excess of 1/2 inch will be allowed.

b. Critical Area. The critical area is the area other than the acute area which is cleaned by the normal sweep of the windshield wiper blades on the driver's side only. In this area, any star larger than 2 inches in diameter; two or more stars larger than 1 1/2 inches in diameter and two or more cracks which extend more than 8 inches in length will not be allowed.

c. Non-Critical Area. This area consists of all other windshield area other than the acute or critical area.

3. A windshield can be rejected at any time the condition creates a safety hazard. If a windshield is cracked in such a way as to jeopardize the integrity of the windshield, the vehicle is to be rejected.

#### T. Windows and Glass Sunscreening and Glass Coating

1. Windshields are allowed to have sunscreen extend down from the topmost portion of the windshield no more than 5 inches. The sunscreen shall be transparent and not red or amber in color.

2. Vehicles being presented for inspection which have been issued a sunscreen certificate shall have only the front side windows inspected. These must have a reading of 40 percent or higher light transmittal to pass inspection.

3. Vehicles being presented for inspection that do not have a sunscreen certificate shall be inspected as follows.

a. Windshield. As stated above, sunscreen may not extend more than 5 inches from the top of the windshield and may not be red or amber in color.

b. Front Side Windows. Must have at least 40 percent light transmission.

c. Side Windows behind Driver Must have at least 25 percent light transmission.

d. Rearmost Glass. Must have at least 12 percent light transmission.

e. Label. There must be a label affixed to the lower right corner of the driver's side window. It must not exceed 1 1/2 inches square in size. It must be installed between the glass and the sunscreen material and must contain the name and city of the installer.

4. Light transmission will be checked using only an approved tint meter and following manufacturer's directions.

5. Sunscreen shall not have a luminous reflectance of more than 20 percent.

6. No tint material may be affixed to the front windshield or the front side windows if the material alters the color of the light transmission. No tint other than smoke shall be allowed.

#### 7. Exceptions to the Sunscreen Rule

a. Sunscreen regulations do not apply to windows behind the driver of trucks, buses, trailers, motor homes, multi-purpose passenger vehicles and all windows of vehicles used for law enforcement purposes.

b. Vehicles with sunscreen certificates as stated above.

c. A person with a medical condition which makes that individual sensitive to sun exposure may obtain a waiver form provided by the Department of Public Safety and Corrections from the safety enforcement office. The waiver must be completed by a licensed physician and must be signed by a safety enforcement officer. This waiver exempts the vehicle identified on the form from all restrictions as provided in R.S. 32:361.1.

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d. The following non-exclusive list of persons, or entities, shall be eligible for a security exemption from the provisions of R.S. 32:361.1:

- i. private investigators;
- ii. bail enforcement agents;
- iii. railroad police officers;
- iv. Louisiana peace officers, P.O.S.T. certified and sworn;
- v. elected or appointed public officials;
- vi. businesses, companies, or individuals that, on a regular recurring basis, either sell, or transport high-valued equipment that, by its very nature, has a higher than usual likelihood of being stolen; and
- vii. any other individual, business, company, corporation, or agency with the need for added concealment of persons or property from public view.

e. Security Exemption Criteria

- i. Vehicle must be:
  - (a). properly licensed, insured and registered, all in Louisiana; and
  - (b). owned or leased by an applicant or applying business.

f. Security Exemption Affidavit

i. An individual or business seeking exemption to window tint restrictions can obtain a security exemption affidavit form at safety enforcement headquarters, any safety enforcement field office or via the World Wide Web by accessing [www.LSP.org](http://www.LSP.org).

ii. A listing of Safety Enforcement field office addresses can be obtained by accessing [www.doa.state.la.us/services](http://www.doa.state.la.us/services).

iii. The security exemption affidavit must be complete, sworn and subscribed in the presence of a Notary Public. The security exemption affidavit must include:

- (a). applicant's name, or company or business name, if applicable;
  - (b). address, city, state and zip code;
  - (c). vehicle description (year, make, model);
  - (d). vehicle identification number (VIN);
  - (e). vehicle license plate number;
  - (f). need, reason or explanation for exemption;
- and
- (g). signature of applicant or company official.

g. Security Exemption Process

i. A completed Security Exemption Affidavit must be mailed to the Safety Enforcement Headquarters Office, P.O. Box 66614, Mail Slip 48, Baton Rouge, LA 70896-6614. Security Exemption Affidavits will be reviewed and subsequently approved or disapproved by the safety enforcement section commander, or his designee.

ii. Approved Security Exemption Affidavits will be returned to applicant by U.S. Mail.

iii. An applicant whose Security Exemption Affidavit is disapproved will receive written notification of that decision by U.S. Mail. The correspondence will outline the reason(s) for denial. An applicant may write a letter of rebuttal germane to the reason(s) for denial. Letters of rebuttal will be taken under advisement. Once a final determination of eligibility has been made, an applicant has no further recourse. The Department of Public Safety and Corrections may approve, disapprove, cancel or revoke exemptions for window tint restrictions as deemed appropriate.

U. Body and Sheet Metal. Exterior components of the body and sheet metal parts must not be damaged and/or dislocated so that they project from the vehicle and present a safety hazard to occupants, pedestrians or other vehicles.

V. Fenders

1. Fenders, covers or devices including splash aprons and mud flaps shall be required unless the body of the vehicle or attachments afford protection to effectively minimize the spray or splash of water, mud or loose material on the highway from the rear of the vehicle.

2. Tires shall not extend beyond fenders or attachments more than 1 inch to provide a safe condition.

3. All vehicles with an unladen weight of under 1,500 pounds and trucks or farm vehicles handling or hauling agricultural or forestry products are exempt from fender requirements.

4. Front and rear fenders that have been removed because of being hazardous or unserviceable must be replaced. If replacement of the front or rear fender removes a required lighting device, the lighting device must be re-installed or replaced.

W. Bumpers

1. Bumpers removed from vehicles originally equipped with bumpers will not be permitted. However, rear bumpers are not required on pickup trucks.

2. Rebuilt or modified bumpers must be made of material equivalent to the original bumpers and must be equal in strength.

3. Bumpers must be securely attached and not broken or protruding.

X. Doors. The vehicle's doors will be inspected as follows.

1. All doors must be present and operational.

2. Doors must be secured in the closed position.

3. Doors must function as originally equipped by the factory.

Y. Hood Latch. The hood must be securely held in a closed position by an original type latch.

Z. Floor Pan. No holes or rusted areas are permitted in the occupant compartment or trunk. Inspectors may require that the trunk of a vehicle be opened on vehicles possessing serious body rust throughout.

AA. Wheels and Tires

1. Conduct a visual check of the wheels and tires to detect any condition that would create a hazard or an unsafe condition.

2. All tires must be for highway use. Tires marked "Not For Highway Use", "Farm Use Only" or "For Racing Purposes Only" are not allowed.

3. Tires without tread wear indicators shall have 2/32 inch tread remaining when measured in any two adjacent major grooves at a minimum of three locations spaced approximately equal distance around the major tire groove.

4. Tires with tread wear indicators shall not allow the indicators to contact the road in any two adjacent major grooves at three locations spaced equally around the tire.

5. Cord shall not be exposed through the tread. Tread cuts, snags or sidewall cracks in excess of 1 inch in any direction deep enough to expose cords, are not allowed.

6. Tires shall not have visible bumps, bulges or knots indicating partial failure or separation of the tire structure.

7. Tires shall not be re-grooved or re-cut below the original groove depth except tires which have undertread rubber for this purpose and are identified as such.

8. Tires on the same axle shall be of the same type construction.

9. Wheels shall not be bent, loose, cracked or damaged as to affect safe operation.

10. Rims or wheel flanges shall not be defective.

11. Wheels should be secure. Only one missing or defective bolt, nut or lug is allowed except on a four-hole pattern wheel. On a four hole pattern wheel no missing or defective lugs are allowed.

BB. Steering Mechanism

1. An original equipment type steering wheel is required.

a. The steering wheel shall be of the same diameter as originally equipped. Any modification that may affect the proper steering of the vehicle is prohibited.

b. Chain-type steering wheels shall not be allowed.

2. Excessive play, tightness, binding or jamming shall not be allowed.

a. With the front wheels in a straight ahead position, check steering for free play. More than 2 inches of free play for power assisted steering and more than 3 inches of free play for manual steering will not be permitted.

3. Excessively worn or broken parts in the steering components, any leakage of the power unit or excessive looseness of the power system fan belt shall not be permitted.

4. Modification of the front end and steering mechanism in any manner shall not be permitted.

CC. Suspension and Shock Absorbers

1. The vehicle must have operational shock absorbers and springs.

2. The vehicle must have at least 3 inches of suspension travel.

3. The vehicle must have at least 4 inches of ground clearance measured from the frame with the vehicle on a level surface.

DD. Seats and Seat Belts

1. Front seats shall be securely anchored to the floor pan. Missing anchor bolts are not permitted. The seat adjusting mechanism shall not slip out of the set position.

2. Seat belts shall operate and adjust as originally intended. Seat belt buckles shall operate properly.

3. Webbing shall not be split, frayed or torn.

4. Seat belts shall be securely mounted. Anchorages shall be secure.

5. Passenger cars, vans or trucks with a gross weight of 6,000 pounds or less, and manufactured after January 1, 1981, require front seat belts only.

EE. Exhaust System. The exhaust system includes the piping leading from the flange of the exhaust manifold to, and including, the mufflers, resonators, tail piping and emission control device. Visually inspect the exhaust system for rusted or corroded surfaces.

1. The vehicle must have a muffler.

2. No loose or leaking joints in the exhaust system are allowed. Also, no holes, leaking seams, loose interior baffles or patches on the muffler are allowed.

3. The tail pipe end can not be pinched.

4. Elements of the system must be fastened securely, including missing connections or missing or broken hangers.

5. A muffler cannot have a cut-out bypass, or similar device which allows fumes to escape.

6. The muffler cannot emit excessive smoke, fumes, or noise.

7. The tail pipe shall extend past the passenger compartment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2428 (December 1999), amended LR 28:345 (February 2002).

**§815. Miscellaneous Inspection Procedures****A. Trailers**

1. Every trailer and semi-trailer with a loaded gross weight capacity of up to 6,000 pounds shall be equipped with safety chains. The safety chains shall be securely attached to the towing vehicle when the trailer or semi-trailer is in motion, and shall be of sufficient strength to hold the trailer behind the towing vehicle in case the connection between the two vehicles detaches.

2. Trailers shall be inspected for fenders, lights and brakes where applicable.

**B. Antique Cars.** Motor vehicles which are 40 years old or older and which are used primarily for exhibition in shows, parades, tours and other special uses and not for general transportation, and which are registered and licensed as antique as provided in R.S. 32:707(L) shall be exempt from the inspection requirements of this Chapter.

**C. Motorcycles.** In addition to other items already stated, motorcycle handlebars will also be inspected as follows.

1. They must be constructed of tubing comparable to or exceeding the thickness of the original equipment.

2. No cracks, deformation or excessive flexure is allowed.

3. Handlebars shall not be more than 15 inches above the seat.

4. Handlebars shall be properly aligned.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:1304-1310.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2433 (December 1999).

## **Subchapter C. Vehicle Emission Inspection and Maintenance Program**

**§817. General Information**

**A. Emission Control System Inspections.** This Section describes the general procedures to be used by certified inspectors when conducting anti-tampering and other emission control system inspections on 1980 and newer model year gasoline-fueled passenger cars and gasoline-fueled light- and heavy-duty trucks (10,000 pounds gvwr or less) registered and/or operated in the state of Louisiana. The purpose of the vehicle anti-tampering inspection is to detect physical damage to, or disablement or removal of, emission control system components, and to repair or replace defective or missing system components. The purpose of the evaporative system pressure test is to ensure that the entire evaporative emission system is fully pressurized and functional. These emission control system inspections are designed to reduce both tailpipe and evaporative pollutant emissions from in-use vehicles operated in Louisiana.

**B. General Inspection Procedures**

1. The vehicle anti-tampering inspection is designed to identify any evidence of tampering or obvious need for repair or replacement of a vehicle's emissions control system components. Vehicles that initially fail the anti-tampering inspection are required to be repaired and re-inspected in order to comply with the inspection guidelines. The anti-tampering inspections also serve to discourage illegal tampering with the vehicle's emission control system, thereby resulting in additional reductions of vehicular emissions in Louisiana.

2. No attempt shall be made by the certified inspector to remove any engine components to perform the anti-tampering inspection. In instances where certain components are not visible, it will be assumed that the component is properly connected and operative. However, this assumes that a reasonable attempt was made by the certified inspector to identify and visually examine the component.

3. During the inspection, the certified inspector will either pass or fail the vehicle based on the criteria described herein. The vehicle will be rejected if any of the inspected parameters are found disconnected or tampered with. The certified inspector will then place a rejection certificate on the vehicle and inform the vehicle operator why the vehicle failed inspection and what corrective measures are required for the vehicle to pass inspection.

4. For the purpose of the vehicle anti-tampering and inspection and maintenance program, passenger car means every motor vehicle designed for carrying 10 passengers or less and used for the transportation of people.

5. For the purpose of the vehicle anti-tampering and inspection and maintenance program, light-duty truck and heavy-duty truck means a gasoline-fueled motor vehicle with a gross vehicle weight rating of 10,000 pounds or less. Light- and heavy-duty trucks shall include, but not be limited to, minivans, sport utility vehicles, pick-up trucks, panel delivery trucks, and carry-all trucks.

6. Proof of repair or replacement of emission control components shall be provided by the vehicle owner at the time the vehicle is re-inspected. This proof shall be in the form of a dated repair receipt or a sales invoice and must be presented to the inspection station when the vehicle is re-inspected.

**C. Manufacturer's Emission Control Label**

1. The manufacturer's emission control label located under the hood consists of a schematic diagram of the original emission control components installed on the vehicle. The certified inspector should refer to this label diagram when attempting to locate applicable emission control components. On vehicles equipped with a catalytic unit, a decal is required by federal regulation to have the word catalyst in legible letters.

2. Vehicles with catalytic converters should have unleaded fuel only decals near the filler pipe and fuel gauge. Missing labels will not be grounds for rejection.

D. Manufacturer's Information Plate. The gross vehicle weight rating (gvwr) of a vehicle is stamped on the federal safety sticker located inside the left door of the vehicle.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:1304-1310.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2433 (December 1999).

#### **§819. Anti-Tampering and Inspection and Maintenance Parameters**

A. The statewide vehicle anti-tampering program will include a visual inspection of the following emission control system components on all 1980 and newer model year gasoline-fueled passenger cars and gasoline-fueled light- and heavy-duty trucks (10,000 pounds gvwr or less) registered and/or operated in Louisiana:

1. catalytic converter system (catalyst);
2. air injection system (AIS including belts, hoses, and valves);
3. positive crankcase ventilation system (PCV system including hoses and valves);
4. evaporative emission control system (charcoal canister, hoses, wires, and control valves); and
5. exhaust gas recirculation system (EGR valve and hoses).

B. Effective January 1, 2000, and in addition to the anti-tampering parameter checks listed in Subsection A of this Section, a vehicle inspection and maintenance program consisting of a gas cap pressure test is required on all subject vehicles, 1980 and newer model year, gasoline-fueled passenger cars and gasoline-fueled trucks (10,000 pounds gvwr or less) registered within the five parish non-attainment area. The non-attainment area is comprised of Ascension, East Baton Rouge, Iberville, Livingston, and West Baton Rouge parishes.

C. Effective January 1, 2002, and in addition to the requirements outlined in Subsections A and B of this Section, the performance of Onboard Diagnostic (OBD II) system checks will be required on all 1996 and newer model year gasoline-fueled passenger cars and gasoline-fueled trucks (10,000 pound gvwr or less) registered in the five parish non-attainment area, except those model year vehicles exempted by the Louisiana Department of Environmental Quality pursuant to R.S. 30:2054(B)(8). These mandatory OBD II checks are to be performed in accordance with the federal Amendments to Vehicle Inspection Maintenance Program Requirements Incorporating the Onboard Diagnostic Check; Final Rule at 40 CFR Parts 51 and 85 as published in *Federal Register*, Thursday, April 5, 2001 (Volume 66, pages 18156-18179).

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:1304-1310.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2434 (December 1999), amended LR 27:2260 (December 2001), LR 28:345 (February 2002), LR 30:2493 (November 2004).

## **Subchapter D. Inspection Procedures for School Buses**

### **§821. General Information**

A. These standards are adopted from the Minimum Standards for School Buses in Louisiana as promulgated by authority of Louisiana Revised Statute 17:164 which reads: The Louisiana State Board of Education is authorized, directed and empowered to establish and adopt regulations relating to the construction, design, equipment and operation of school buses used in transportation of students to and from school.

B. Any passenger carrying vehicle, regardless of its class, with a capacity of more than seven passengers and used exclusively in the transportation of teachers and pupils to and from schools or their institution of learning under contract or other arrangement made by or with the constituted and authorized school personnel shall be considered a school bus. The school bus must be painted national school bus glossy yellow. The uppermost top section of the roof may be painted white to reduce heat inside of the bus.

C. All school buses presented for inspection must adhere to all safety requirements, where applicable, and must also conform to motor carrier safety regulations. The bus must comply with the following items and devices in addition to all other requirements.

D. Before being approved to inspect school buses, official Motor Vehicle Inspection stations must meet the following qualifications.

1. The station must have an area large enough to accommodate a bus. The inspection area will be approved by a local safety enforcement officer.

2. Mechanic inspectors must possess a valid driver's license. The mechanic inspector must also meet the minimum experience qualifications.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:1304-1310.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2434 (December 1999).

### **§823. General Inspection Procedures**

A. Documents. Mechanic inspectors shall check the following:

1. registration. Parish owned buses are exempt from presenting the registration certificate and proof of insurance. However, the operator must sign the log report confirming liability insurance coverage;
2. license plate;
3. operator's license (must be appropriate type of CDL); and
4. proof of insurance.

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B. Brakes. All school buses shall be equipped with a hydraulic brake system or an air brake system. Mechanics shall check for all of the following.

### 1. Hydraulic Brake System

a. The brakes must be able to stop the bus within 30 feet at a speed of 20 miles per hour with no children on board.

b. The master cylinder must be inspected.

### 2. Air brake systems must be inspected for:

- a. at least two reservoirs;
- b. a safety valve on the first reservoir;
- c. an air gauge;
- d. an audible low pressure indicator;
- e. hoses, tubes or connections shall be inspected for crimps, abrasions or breaks exposing cord;
- f. audible air leaks; and
- g. air chamber;
- h. if visible, check brake shoes and drums for excessive wear or damage;
- i. the push rod travel must be measured (see motor carrier chart) in lieu of a road test.

C. Fluid Leaks. Vehicle fluids include gasoline, transmission fluid, engine oil, bearing grease, water or radiator coolant and power steering fluid. No fluid leaks of any kind are allowed.

D. Lighting Systems. The lighting system will be checked as follows.

1. Interior Lamps. Interior lamps shall be used to provide adequate illumination of the interior compartment.

2. Identification Lamps. A school bus is required to have three amber identification lamps on the front and three red identification lamps on the rear of the bus. They should be mounted at the upper most center of the body of the bus spaced in a horizontal line not more than 12 inches apart.

3. Clearance Lamps. A school bus is required to have clearance lamps mounted as high as possible on the permanent structure of the bus. The lights mounted on the front of the bus must be amber in color and those on the rear must be red. These lights must be mounted on each side of the bus and positioned in such a manner as to indicate the extreme width of the body of the bus.

4. Side Marker Lamps. School buses are required to have amber side marker lamps mounted on the front of the bus and red lamps on the rear. These must be on each side of the bus.

5. Reflectors. The school bus must be equipped with reflectors as follows.

a. Two red reflectors shall be installed on the rear of the bus.

b. Two reflex reflectors shall be installed on the side of the bus.

i. One must be mounted at or near the front of the bus and must be amber in color.

ii. One must be mounted at or near the rear of the bus and must be red in color. Buses 30 feet or longer in length require one amber reflex reflector on each side of the bus.

6. School Bus Alternately Flashing Lamps. A school bus should have alternately flashing lamps mounted at the same horizontal level which identify the vehicle as a school bus. They also inform other vehicle operators that the bus is stopped or about to stop to take on or discharge students.

a. School buses are required to have four alternating flashing red signal lamps mounted at the same level and as high and as widely spaced as practical. Two lamps must be mounted on the front and two lamps must be mounted on the rear. All lamps must alternately flash.

b. All buses manufactured after July 7, 1977, must be equipped with four alternately flashing yellow lamps mounted on the same level as the alternately flashing red lamps, but closer to the vertical center line on the bus. These lamps must display two alternately flashing yellow lights to the front of the bus and two alternately flashing yellow lights to the rear of the bus. The alternately flashing yellow lights must not light when the alternately flashing red lights are activated (during a stop).

c. The alternately flashing lamps (both red and yellow) must function with a manually activated switch only. No brake operated switches are allowed.

d. The school bus must be equipped with an audible or visible means of indicating to the driver that the signaling system is activated.

### E. Left Hand Stop Arm Lamps

1. All buses manufactured after July 7, 1977, must be equipped with two flashing red lights on each of the left hand stop arms with the light visible from both sides of the stop arms.

a. These lamps must activate when the stop arm is extended and the lamps must flash alternately.

2. When two stop signal arms are installed on a school bus, the rearmost stop arm shall not contain any lettering, symbols or markings on the forward side.

3. The entire surface of both sides of the stop signal arm shall be of reflectorized material with Type III reflector material that meets the minimum specific intensity requirements of S6.1 Table 1. When two stop signal arms are installed on a bus, the forward side of the rearmost stop signal arm shall not be reflective.

F. Stop Lamps. If the bus was manufactured after December 31, 1962, two 7-inch stop lamps emitting red light only must be mounted on the rear of the bus as high as possible, but below the window line.

G. Turn Indicator Lamps

1. Buses are required to have electric turn signal lamps that indicate the direction of a turn.

2. If the bus was manufactured after August, 1970, it is required to have four 7-inch turn indicator lamps.

a. Two 7-inch amber turn signal lamps must be mounted toward the front of the bus on the same level and as high as practical, but not less than 3 feet above the ground.

b. Two lamps, either red or amber in color, to the rear must be mounted on the same level as the front turn indicator lamps.

3. Buses manufactured after August, 1970, are required to have operational four-way hazard warning signals.

H. Fog Lamps. Fog lamps are permissible provided that the lamps are properly installed and operational.

I. Mirrors. School buses are required to have an interior mirror, an exterior mirror and an exterior cross view mirror:

1. Interior Mirror. Type A bus shall have a minimum of 6" x 16" mirror and type B, C and D buses shall have a minimum of 6" x 3" mirror.

2. Exterior Mirror. Must have one left and one right hand mirror with a minimum of 50 square inches of reflecting glass.

3. Exterior Cross View Mirror. Buses manufactured after July 1, 1979, shall have a mirror system which will provide a clear, unobstructed view of the area in front of the bus; the area immediately adjacent to the left and right front wheels and the entrance door.

a. Buses which provide an adequate view directly in front of the bus are not required to have a cross view mirror system.

J. Interior Doors

1. Service Door (front passenger pick up door). It may be controlled manually or by power. It must be controlled by the bus driver only.

a. The vertical closing edges of the service door must be equipped with a flexible material to protect passenger's fingers.

2. Emergency Exit Door

a. The passage way to the emergency door must not be restricted in any way to less than 12 inches in width.

b. There must not be steps to the emergency door when the door is in the closed position.

c. It must be equipped with a proper gasket around the door and the glass which furnishes a proper seal.

d. It must be equipped with an audible warning buzzer which notifies the driver's compartment that the door is open.

e. The emergency door mechanism shall function from the inside and outside.

f. The words "Emergency Exit" or "Emergency Door" shall be marked directly above the door on both the inside and outside in letters at least 2 inches high.

g. There must be no manual locking of any doors while the bus is in operation. No pad locks can be used on any door while the bus is in operation.

K. Bumpers

1. Bumpers on a school bus must be painted glossy black.

2. The rear bumper must not have a trailer hitch or other device designed to aid in towing another vehicle.

L. School Bus Identification (Signs)

1. The words "School Bus" must be on the front and rear of the vehicle in plain, black letters at least 8 inches in height.

2. The stop arms shall be painted red with the word Stop in white letters.

M. Tires

1. The steering axle must have 4/32 inch tread.

2. The rear axle must have 2/32 inch tread. No re-grooved or re-capped tires are allowed on the steering axle.

N. Mud Flaps. All school buses manufactured on or after July 1, 1979, shall be equipped with mud flaps on the rear of the vehicle.

O. Front and Rear Suspension and Steering. The front of the bus must be lifted and the following items checked:

1. wheel bearings for excessive looseness and play;

2. king pins and bushings for excessive looseness;

3. drive shaft and universal joints for excessive wear; and

4. ball joints for excessive wear.

P. Windshield, Windows, and Glass

1. The left front driver's window must readily open and close.

2. No cracks, discoloration or scratches to the front, rear, right or left of the driver which would interfere with his vision are allowed.

3. No window may be broken or have any exposed sharp edges. No window may have any cracked or separated glass allowing one piece of glass to move independently of another.

4. The windshield, not including a 2 inch border at the top and a 1 inch border at each side of the windshield or each panel thereof, may:

a. have any crack not over 1/4 inch wide, if not intersected by any other crack; or

b. have any damaged area which can be covered by a disc 3/4 of an inch in diameter, if not closer than 3 inches to any other such damaged area (Federal Motor Carrier Safety Regulation, 393.60).

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5. Side windows must open and close properly.

6. Windows must have exposed edge of glass banded.

### Q. Stepwell and Floor Covering

1. The stepwell and the aisle on buses manufactured after July 1, 1966, must be covered with a rubber, non-skid, wear resistant, ribbed material.

2. All openings in the floor board, such as the gear shift lever and auxiliary brakes, shall be sealed.

3. The stepwell must not be rusted in any area and must have sufficient strength to support passengers.

4. The aisle must not be restricted in any way to less than 12 inches in width.

5. There must be no looseness in the stanchions, guard rails or grab rails.

R. First Aid Kit. The bus shall have a removable, moisture-proof and dust-proof first aid kit mounted in an accessible place within the driver's compartment. The first aid kit must contain the supplies necessary to administer first aid in an emergency situation.

S. Fire Extinguisher. The bus will be equipped with at least one ABC type of fire extinguisher. It must have a gauge of at least a 5 pound capacity. It must be mounted in the manufacturer's bracket of an automotive type. It must be located in the driver's compartment in a clearly marked location or in full view of and readily accessible to the driver. Fire extinguishers must have a valid and up-to-date certification.

T. Defrosters. The school bus will be equipped with defrosters which shall be capable of keeping the windshield, driver's left window and glass entrance door clear of fog, frost and snow. In addition, buses manufactured on or after July 7, 1979, shall be equipped with an auxiliary fan at least 6 inches in diameter. The fan must be located in the center of the windshield to provide maximum effectiveness to the right side of the windshield and the service door.

U. Sun Shield. An interior adjustable, transparent sun shield, not less than 6 inches by 30 inches, supported by two brackets shall be installed so that it can be turned up when not in use.

### V. Instrument Panel

1. The instrument panel must have a lamp which effectively illuminates all instruments and gauges.

2. The school bus must be equipped with an operational beam indicator to indicate the bright/dim setting on headlamps.

3. All wiring under the instrument panel must not be hanging. Wiring must be tucked under the panel.

### W. Seat Belts, Seats, and Guard Rails

1. The driver's compartment must be equipped with an approved seat belt for the driver.

2. No exposed padding, springs or wires will be allowed on the seats or guard rails.

3. If a rip or tear is not more than 3 inches long, the seats may be taped. However, no more than three pieces of tape may be used per seat.

4. No overhead storage compartments or racks shall be permitted inside the bus.

X. Battery. The battery for the school bus must be secured with some type of tie-down device. Bungee cords and bailing wire are not allowed.

### Y. Exhaust

1. Inspect the exhaust system for leaks, rusted areas, broken hanger, etc.

2. The end of the exhaust system may turn and exit at the rear, side edge of the bus or it may go past the rear bumper no more than 2 inches. In any case, the exhaust system must extend past the passenger compartment of the bus.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2434 (December 1999).

## Subchapter E. Federal Motor Carrier Safety Regulations

### §825. General Information

A. Certain types of vehicles are subject to federal regulations in connection with Louisiana's Motor Vehicle Inspection Program. A commercial vehicle is defined as any self-propelled or towed vehicle used on public highways in commerce to transport passengers or property when:

1. the vehicle has a gross vehicle weight rating or gross combination weight rating as follows:

a. Interstate Commerce. The vehicle travels from this state to another state and has a weight rating of 10,001 pounds or more;

b. Intrastate Commerce. The vehicle travels only in Louisiana and has a weight rating of 20,001 pounds or more;

2. the vehicle is designed to transport more than 15 passengers, including the driver;

3. the vehicle is used in the transportation of hazardous material in a quantity requiring placarding under regulations issued by the secretary under the Hazardous Material Transportation Act.

B. Under R.S. 32:1304.1, farm vehicles which are not registered and do not have a license plate are exempt from the inspection requirements. However, if the farm vehicle is registered and does display a license plate and it qualifies as a commercial motor vehicle as defined above, it must meet the requirements for the Federal Motor Carrier Safety Program.

C. The federal regulations mandate that this motor carrier safety inspection will be conducted on an annual basis, with the commercial vehicle inspection report completed with each yearly inspection.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2437 (December 1999).

**§827. Code of Federal Regulations (C.F.R.) §390.15  
Motor Carrier Safety Regulations**

A. The term *motor carrier* includes a common carrier by motor vehicle, a contract carrier by motor vehicle and a private carrier of property by motor vehicle.

B. Code of Federal Regulations (C.F.R.) §396.15 Driveway-Towaway Operations and Inspections. Effective July 1, 1990, every motor carrier, with respect to motor vehicles engaged in driveway-towaway operations, shall comply with the requirements of this Part. Exceptions: maintenance records required by 396.3; the vehicle inspection report required by 396.11; and the periodic inspection required by 396.17 of this Part shall not be required for any vehicle which is part of the shipment being delivered.

**C. C.F.R. 396.17 Periodic Inspection**

1. Every commercial motor vehicle shall be inspected as required by this Section. The inspection shall include, at a minimum, the parts and accessories set forth in LAC 55:III.829. The term *commercial motor vehicle* includes each vehicle in a combination vehicle. For example, for a tractor semitrailer, full trailer combination, the tractor, semi-trailer and the full trailer (including the converter dolly if so equipped) shall be inspected.

2. Except as provided in C.F.R. 396.23, a motor carrier shall inspect or cause to be inspected all motor vehicles subject to its control.

3. A motor carrier shall not use a commercial motor vehicle unless each component identified in LAC 55:III.829 has passed an inspection in accordance with the terms of this Section at least once during the preceding 12 months. The commercial inspection certificate conforms with C.F.R. 396.17-C-2, which waives the requirement that a copy of the commercial annual inspection form be carried in the vehicle.

4. It shall be the responsibility of the motor carrier to ensure that all parts and accessories not meeting the minimum standards set forth in LAC 55:III.829 are repaired promptly.

5. Failure to perform properly the annual inspection set forth in this Section shall cause the motor carrier to be subject to the penalty provisions provided by 49 U.S.C. 521(B).

**D. C.F.R. 396.21 Periodic Inspection/Record-Keeping Requirements**

1. The qualified inspector performing the inspection shall complete the Record of Annual Commercial Inspection form (DPSSE 1019) in its entirety.

2. The original or a copy of the inspection report shall also be retained by the motor carrier under whose control the vehicle operates for 30 consecutive days or more, for a period of one year. The inspection report shall be retained where the vehicle is either housed or maintained. The original or a copy of the inspection report shall be available for inspection upon demand of an authorized federal, state or local official.

a. The second copy must be mailed to the local safety enforcement office. These reports shall be mailed at the same time as the regular safety inspection reports.

b. The third copy shall be kept in the commercial log book at the station for 14 months. If a station inspects no vehicles during a given week/month, one report shall be submitted as previously described, with the word none written across the face of the report.

3. A Record of Annual Commercial Inspection form will be completed for each unit inspected, i.e., tractor, trailer, converter dolly, etc. When a Record of Annual Commercial Inspection form is completed, the regular weekly/monthly log report need not be filled out.

4. A rejected vehicle is entitled to one free re-inspection if returned to the same inspection station within the allowed period of time.

AUTHORITY NOTE: Promulgated in accordance with R.S. 32:1304-1310.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2437 (December 1999).

**§829. Minimum Periodic Inspection Standards**

A. As per minimum periodic inspection standards, a vehicle does not pass inspection if it has any one of the following defects or deficiencies and the vehicle shall be issued a restricted rejection certificate.

**B. Brake System**

**1. Service Brakes**

a. Absence of braking action on any axle required to have brakes upon application of the service brakes (such as missing brakes or brakes shoe(s) failing to move upon application of a wedge, s-cam or disc brake).

b. Missing or broken mechanical components, including shoes, lining, pads, springs, anchor pins, spiders and cam shaft support brackets.

c. Audible air leak at brake chamber (ex. ruptured diaphragm, loose chamber clamp, etc.).

d. Readjustment Limits. The maximum stroke at which brakes should be readjusted is shown in the columns below. Any brake 1/4 inch or more past the readjustment limit or any two brakes less than 1/4 inch beyond the readjustment limit shall be cause for rejection. Stroke shall be measured with the engine off and reservoir pressure of 80 to 90 psi with brakes fully applied. Wedge Brake Data: Movement of the scribe mark on the lining shall not exceed 1/16 inch.

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| The Maximum Stroke at Which Brakes Should Be Readjusted |                              |                           |   |
|---|------------------------------|---------------------------|---|
| Type  | Effective Area (Square Inch) | Outside Diameter (Inches) | Maximum Stroke at Which Brakes Should Be Readjusted |
| <b>BOLT TYPE BRAKES CHAMBER DATA</b>                    |                              |                           |   |
| A   | 12                           | 6 15/16                   | 1 3/8   |
| B   | 24                           | 9 3/16                    | 1 3/4   |
| C   | 16                           | 8 1/16                    | 1 3/4   |
| D   | 6                            | 5 1/4                     | 1 1/4   |
| E   | 9                            | 6 3/16                    | 1 3/8   |
| F   | 36                           | 11                        | 2 1/4   |
| G   | 30                           | 9 7/8                     | 2   |
| <b>ROTOCHAMBER DATA</b>                                 |                              |                           |   |
| 9   | 9                            | 4 9/32                    | 1 1/2   |
| 12  | 12                           | 4 13/16                   | 1 1/2   |
| 16  | 16                           | 5 13/32                   | 2   |
| 20  | 20                           | 5 15/16                   | 2   |
| 24  | 24                           | 6 13/32                   | 2   |
| 30  | 30                           | 7 1/16                    | 2 1/4   |
| 36  | 36                           | 7 5/8                     | 2 3/4   |
| 50  | 50                           | 8 7/8                     | 3   |
| <b>CLAMP TYPE BRAKE CHAMBER DATA</b>                    |                              |                           |   |
| 6   | 6                            | 4 1/2                     | 1 1/4   |
| 9   | 9                            | 5 1/4                     | 1 3/8   |
| 12  | 12                           | 5 11/16                   | 1 3/8   |
| 16  | 16                           | 6 3/8                     | 1 3/4   |
| 20  | 20                           | 6 25/32                   | 1 3/4   |
| 24  | 24                           | 7 7/32                    | 1 3/4**   |
| 30  | 30                           | 8 3/32                    | 2   |
| 36  | 36                           | 9                         | 2 1/4   |

\*\*2" for long stroke design

## e. Brake Lining or Pads

- Lining or pad is not firmly attached to the shoe;
- saturated with oil, grease or brake fluid;
- non-steering axles. Lining with a thickness less than 1/4 inch at the shoe center for air drum brakes, 1/16 inch or less at the shoe center for hydraulic and electric drum brakes, and less than 1/8 inch for air disc brakes;
- steering brakes. Lining with a thickness less than 1/4 inch at the shoe center from drum brakes, less than 1/8 inch for air disc brakes and 1/16 inch or less for hydraulic disc and electric brakes.

## f. Missing Brakes on Axle Required to Have Brakes

- Mismatch across any power unit steering axle of:
  - air chamber size;
  - slack adjuster length.

2. Parking Brake System. No brakes on the vehicle or combination are applied upon actuation of the parking brake control, including drive line hand controlled parking brakes.

## 3. Brake Drums or Rotors

- With any external crack or cracks that open upon brake application (do not confuse short hairline heat check cracks with flexural cracks);
- any portion of the drum or rotor missing or in danger of falling away.

## 4. Brake Hose

- Hose with any damage extending through the outer reinforcement ply. (Rubber impregnated fabric cover is not a reinforcement ply.) (Thermoplastic nylon may have braid reinforcement or color difference between cover and inner tube. Exposure of second color is cause for rejection.);
- bulge or swelling when air pressure is applied;
- any audible leaks;
- two hoses improperly joined (such as a splice made by slicing the hose ends over a piece of tubing and clamping the hose to the tube). (Exception: A splice utilizing a reverse claw connector is acceptable.);
- air hose cracked, damaged by heat, broken or crimped.

## 5. Brake Tubing

- Any audible leaks;
- tubing cracked, damaged by heat, broken or crimped.

6. Low Pressure Warning Device. Missing, inoperative or does not operate at 55 psi and below, or one-half the governor cut-out pressure, whichever is less.

7. Tractor Protection Valve. Inoperative or missing tractor protection valve(s) on power unit.

## 8. Air Compressor

- Compressor drive belts in condition of impending or probable failure;
- loose compressor mounting bolts;
- cracked, broken or loose pulley;
- cracked or broken mounting brackets, braces or adapters.

## 9. Electric Brakes

- Absence of braking action on any wheel required to have brakes;
- missing or inoperative breakaway braking device.

10. Hydraulic Brakes (including power assist over hydraulic and engine drive hydraulic booster)

- Master cylinder less than one-fourth full;
- no pedal reserve with engine running except by pumping pedal;
- power assist unit fails to operate;
- seeping or swelling brake hose(s) under application of pressure;
- missing or inoperative check valve;
- has any visually observed leaking hydraulic fluid in the brake system;
- has hydraulic hose(s) abraded (chafed) through outer cover to fabric layer;

- h. fluid lines or connections leaking, restricted, crimped or broken;
- i. brake failure or low fluid warning light on and/or inoperable.

#### 11. Vacuum System

- a. Has insufficient vacuum reserve to permit one full brake application after engine is shut off;
- b. has vacuum hose(s) or line(s) restricted, abraded (chafed) through outer cover to cord ply, crimped, cracked, broken or has collapse of vacuum hose(s) when vacuum is applied;
- c. lacks an operable low-vacuum warning device as required.

### C. Coupling Devices

#### 1. Fifth Wheels

- a. Mounting to frame:
  - i. any fasteners missing or ineffective;
  - ii. any movements between mounting components;
  - iii. any mounting angle iron cracked or broken.
- b. Mounting plates and pivot brackets:
  - i. any fasteners missing or ineffective;
  - ii. any welds or parent metal cracked;
  - iii. more than 3/8 inch horizontal movement between pivot bracket pin and bracket;
  - iv. pivot bracket pin missing or not secured.
- c. Sliders
  - i. Any latching fasteners missing or ineffective;
  - ii. any fore or aft stop missing or not securely attached;
  - iii. movement more than 3/8 inch between slider bracket and slider base;
  - iv. any slider component cracked in parent metal or weld;
- d. Lower Coupler
  - i. Horizontal movement between the upper and lower fifth wheel halves exceeds 1/2 inch;
  - ii. operating handle not in closed or locked position;
  - iii. kingpin not properly engaged;
  - iv. separation between upper and lower coupler allowing light to show through from side to side;
  - v. crack in the fifth wheel plate. Exceptions: Cracks in the fifth wheel approach ramps and casting shrinkage cracks in the ribs of the body or a cast fifth wheel;

- vi. locking mechanism parts missing, broken or deformed to the extent the kingpin is not securely held.

#### 2. Pintle Hooks

- a. Mounting to frame:
  - i. any missing or ineffective fasteners (a fastener is not considered missing if there is an empty hole in the device, but no corresponding hole in the frame or vice versa);
  - ii. mounting surface cracks extending from point of attachment (e.g., cracks in the frame at mount bolt holes);
  - iii. loose mounting;
  - iv. frame cross member providing pintle hook attachment cracked;
- b. Integrity:
  - i. cracks anywhere in pintle hook assembly;
  - ii. any welded repairs to the pintle hook;
  - iii. any part of the horn section reduced by more than 20 percent;
  - iv. latch insecure.

#### 3. Drawbar/Towbar Eye

- a. Mounting:
  - i. any cracks in attachment welds;
  - ii. any missing or ineffective fasteners.
- b. Integrity:
  - i. any cracks;
  - ii. any part of the eye reduced by more than 20 percent.

#### 4. Drawbar/Towbar Tongue

- a. Slider (power or manual):
  - i. ineffective latching mechanism;
  - ii. missing or ineffective stop;
  - iii. movement of more than 1/4 inch between slider and housing;
  - iv. any leaking, air or hydraulic cylinders, hoses or chambers (other than slight oil weeping normal with hydraulic seals).
- b. Integrity:
  - i. any cracks;
  - ii. movement of 1/4 inch between subframe and drawbar at point of attachment.

#### 5. Safety Devices

- a. Safety devices missing;
- b. unattached or incapable of secure attachment;

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### c. chains and hooks:

i. worn to the extent of a measurable reduction in link cross section;

ii. improper repairs including welding, wire or small bolts, rope and tape.

### d. cable:

i. kinked or broken cable stands;

ii. improper clamps or clamping.

### 6. Saddle-Mounts

#### a. Method of attachment:

i. any missing or ineffective fasteners;

ii. loose mountings;

iii. any cracks or breaks in a stress or load bearing member;

iv. horizontal movement between upper and lower saddle-mount halves exceeds 1/4 inch.

### D. Exhaust System

1. Any exhaust system determined to be leaking at a point forward of or directly below the driver/sleeper compartment;

2. a bus exhaust system leaking or discharging to the atmosphere:

a. gasoline powered—excess of 6 inches forward of the rearmost part of the bus;

b. other than gasoline powered—in excess of 15 inches forward of the rear most part of the bus;

c. other than gasoline powered—forward of the door or window designed to be opened. (Exception: Emergency exits);

3. no part of the exhaust system of any motor vehicle shall be so located as would be likely to result in burning, charring, damaging the electrical wiring, the fuel supply or any combustible part of the motor vehicle.

### E. Fuel System

1. A fuel system with a visible leak at any point;

2. a fuel tank filler cap missing;

3. a fuel tank not securely attached to the motor vehicle by reason of loose, broken or missing mounting bolts or brackets (some fuel tanks use springs or rubber bushing to permit movement).

F. Lighting Devices. All lighting devices and reflectors required by Section 393 shall be operable.

### G. Safe Loading

1. Part(s) of the vehicle or condition of loading such that the spare tire or any part of the load or dunnage can fall onto the roadway;

2. protection against shifting cargo. Any vehicle without a front-end structure or equivalent device as required.

### H. Steering Mechanism

#### 1. Steering Wheel Free Play

a. On vehicles equipped with power steering the engine must be running.

| Steering Wheel Diameter | Manual Steering System | Power Steering System |
|-------------------------|------------------------|-----------------------|
| 16"                     | 2"                     | 4 1/2"                |
| 18"                     | 2 1/4"                 | 4 3/4"                |
| 20"                     | 2 1/2"                 | 5 1/4"                |
| 22"                     | 2 3/4"                 | 5 3/4"                |

#### 2. Steering Column

a. Any absence or looseness of u-bolt(s) or positioning part(s);

b. worn, faulty or obviously repair welded universal joints;

c. steering wheel not properly secured.

#### 3. Front Axle Beam and all Steering Components other than Steering Column

a. Any crack(s);

b. any obvious welded repair(s).

#### 4. Steering Gear Box

a. Any mounting bolt(s) loose or missing;

b. any crack(s) in gear box or mounting brackets.

5. Pitman Arm. Any looseness of the pitman arm on the steering gear output shaft.

6. Power Steering. Auxiliary power assist cylinder loose.

#### 7. Ball and Socket Joints

a. Any movement under steering load of a stud nut;

b. any motion, other than rotational, between any linkage member and its attachment point of more than 1/4 inch.

#### 8. Tie Rods and Drag Links

a. Loose clamp(s) or clamp bolt(s) on tie rods or drag links;

b. any looseness in any threaded joint.

9. Nuts. Nut(s) loose or missing on tie rods, pitman arm, drag link, steering arm or tie rod arm.

10. Steering System. Any modification or other condition that interferes with free movement of any steering component.

### I. Suspension

1. Any u-bolt(s), spring hanger(s) or other axle positioning part(s) cracked, broken, loose or missing resulting in shifting of an axle from its normal position (after a turn, lateral axle displacement is normal with some suspensions. Forward or rearward operation in a straight line will cause the axle to return to alignment).

## 2. Spring Assembly

- a. Any leaves in a leaf spring assembly broken or missing;
- b. any broken main leaf in a leaf spring assembly (includes assembly with more than one main spring);
- c. coil spring broken;
- d. rubber spring missing;
- e. one or more leaves displaced in a manner that could result in contact with a tire, rim, brake drum or frame;
- f. broken torsion bar spring in a torsion bar suspension;
- g. deflated air suspension, i.e., system failure, leak, etc.

## 3. Torque, Radius, or Tracking Components

- a. Any part of a torque, radius or tracking component assembly or any part used for attaching the same to the vehicle frame or axle that is cracked, loose, broken or missing. (Does not apply to loose bushing in torque or track rods.)

## J. Frame

### 1. Frame Member

- a. Any cracked, broken loose or sagging frame member;
- b. any loose or missing fasteners including fasteners attaching functional components such as engine, transmission, steering gear suspension, body parts and fifth wheel.

2. Tire and Wheel Clearance. Any condition, including loading, that causes the body or frame to be in contact with a tire or any part of the wheel assembly.

3. Adjustable Axle Assemblies. Adjusting axle assembly with locking pins missing or not engaged.

## K. Tires

### 1. Any tire on any steering axle of a power unit:

- a. with less than 4/32-inch tread when measured at any point on a major tread groove;
- b. has body ply or belt material exposed through the tread or sidewall;
- c. has any tread or sidewall separation;
- d. has a cut where the ply or belt material is exposed;
- e. labeled "Not for Highway Use" or displaying other markings which would exclude use on steering axle;
- f. a tube-type radial tire without radial tube stem markings. These markings include a red band around the tube stem or the word Radial embossed in metal stems, or the word Radial molded in rubber stems;

g. mixing bias and radial tires on the same axle;

h. tire flap protrudes through valve slot in rim and touches stem;

i. re-grooved tire except motor vehicles used solely in urban or suburban service (see exception in 393.76(E));

j. boot, blowout patch or other ply repairs;

k. weight carried exceeds tire load limit. This includes overloaded tire resulting from low air pressure;

l. tire is flat or has noticeable (e.g., can be heard or felt) leak;

m. any bus equipped with recapped or retreaded tire(s);

n. so mounted or inflated that it comes in contact with any part of the vehicle.

2. All tires other than those found on the steering axle of a power unit:

a. weight carried exceeds tire load limit. This includes overloaded tire(s) resulting from low air pressure;

b. tire is flat or has noticeable (e.g., can be heard or felt) leak;

c. has body ply or belt material exposed through the tread or sidewall;

d. has any tread or sidewall separation;

e. has a cut where ply or belt material is exposed;

f. so mounted or inflated that it comes in contact with any part of the vehicle (this includes a tire that contacts its mate);

g. is marked "Not for Highway Use" or otherwise marked and having like meaning;

h. with less than 2/32-inch tread when measured at any point on a major tread groove.

## L. Wheels and Rims

1. Lock or Side Ring. Bent, broken, cracked, improperly seated, sprung or mismatched ring(s).

2. Wheels and Rims. Cracked or broken or has elongated bolt holes.

3. Fasteners (both spoke and disc wheels). Any loose, missing, broken, cracked, stripped or otherwise ineffective fasteners.

### 4. Welds

a. Any cracks in welds attaching disc wheel disc to rim;

b. any cracks in welds attaching tubeless demountable rim to adapter;

c. any welded repair on aluminum wheel(s) on steering axle;

d. any welded repair other than disc to rim attachment on steel disc wheel(s) mounted on the steering axle.

**M. Windshield Glazing**

1. Any crack, discoloration or vision reducing matter except:

a. coloring or tinting applied at the time of manufacture;

b. any crack not over 1/4-inch wide if not intersected by any other crack;

c. any damage area not more than 3/4-inch in diameter, if not closer than 3 inches to any other such damaged area;

d. labels, stickers, decals, etc. (see C.F.R. 393.60 for exceptions).

2. These prohibitions shall not apply to the area consisting of a 2 inch border at the top, a 1 inch border at each side and the area below the topmost portion of the steering wheel.

**N. Windshield Wiper.** Any power unit that has an inoperable wiper, or missing or damaged parts that render it ineffective.

**O. Fire Extinguisher.** Fire extinguisher must be properly filled and securely fastened in an approved type mount in a readily accessible location on the power unit.

**P. Bi-Directional Triangles.** Three bi-directional emergency reflective triangles that conform to the requirements of Federal Motor Safety Standard No. 125, 571.125.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:1304-1310.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2438 (December 1999).

**§831. Additional Requirements**

A. All vehicles presented for inspection for motor carrier shall also comply to all safety requirements where applicable.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:1304-1310.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2441 (December 1999).

## **Subchapter F. Administrative and Audit Procedures**

**§833. Investigations; Administrative Actions; Sanctions**

A. The Motor Vehicle Inspection station owner/operator may be investigated for violating any requirement imposed by any inspection law, or any rule or regulation set forth by this department. The department may initiate an administrative proceeding to require the Motor Vehicle Inspection station owner/operator to comply with any requirement contained in any statute or any rule or regulation. The department may also issue an action or order

in connection with a violation of any statute or rule to impose an administrative sanction including a suspension, revocation or cancellation of any license, permit, certificate or authorization issued pursuant to LAC 55, Part III, Chapter 8 or to impose a civil administrative fine.

B. A person who has been denied any license, permit, certification or authorization provided by LAC 55, Part III, Chapter 8, as well as any person who has been subject to any action, order or decision of the department pursuant to LAC 55, Part III, Chapter 8, may make a written request for an administrative hearing to review such action, order, decision, or denial within thirty days of the date of such action, order, decision, or denial. The failure to make a timely written request as provided in LAC 55, Part III, Chapter 8, §805 shall result in such action, order, decision, or denial becoming final and no longer subject to review. The 30 day period provided in LAC 55, Part III, Chapter 8, §805.B shall commence on the date the action, order, decision, or denial is mailed or hand delivered to the person, as the case may be.

C. The department may immediately and temporarily suspend the license of a Motor Vehicle Inspection station prior to providing an administrative hearing when it is determined that the station has violated any of the provisions of LAC 55:III.819. In the event of such an immediate and temporary suspension of its license, the station is entitled to an administrative hearing to be held within 14 days of the initial date of suspension.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:1304-1310.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2441 (December 1999), amended LR 27:2260 (December 2001), repromulgated LR 28:345 (February 2002).

**§835. Declaratory Orders and Rulings**

A.1. Any person desiring a ruling on the applicability of R.S. 32:1301 et seq., or any other statute, or the applicability or validity of any rule, regarding the inspection of motor vehicles as provided in Louisiana Motor Vehicle Inspection Law shall submit a written petition to the deputy secretary for the department.

2. The written petition shall cite all constitutional provisions, statutes, ordinances, cases, and rules which are relevant to the issue presented or which the person wishes the deputy secretary to consider prior to rendering an order or ruling in connection with the petition. The petition shall be typed, printed or written legibly, and signed by the person seeking the ruling or order. The petition shall also contain the person's full printed name, the complete physical and mailing address of the person, and a daytime telephone number.

B. If the petition seeks an order or ruling on any action, order or decision of the department, including the issuance or denial of any license, permit, certification, authorization or approval, the person submitting the petition shall notify all persons specifically named in the action, order or

decision, if the person submitting the petition is not one of the named persons. Such notice shall be sent by certified mail, return receipt requested. In such case, the petition shall not be considered until proof of such notice has been submitted to the deputy secretary, or until the person petitioning for the order or ruling establishes that the person required to receive notice cannot be notified after a due and diligent effort. The notice shall include a copy of the petition submitted to the deputy secretary.

C. The deputy secretary, or his designee, may request the submission of legal memoranda to be considered in rendering any order or ruling. The deputy secretary or his designee shall base the order or ruling on the documents submitted including the petition and legal memoranda. If the deputy secretary or his designee determines that the submission of evidence is necessary for a ruling, the matter may be referred to a hearing officer prior to the rendering of the order or ruling for the taking of such evidence.

D. Notice of the order or ruling shall be sent to the person submitting the petition as well as all other persons providing notice of the petition at the mailing addresses provided in connection with the petition.

E. The deputy secretary may decline to render an order or ruling if the person submitting the petition has failed to comply with any requirement in this Section.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:1301 et seq. and R.S. 49:962.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of State Police, Safety Enforcement Section, LR 25:2442 (December 1999).

## **Chapter 11. Vehicle Safety Equipment**

### **Subchapter A. Motorcycle Helmets**

#### **§1101. Scope, Purpose and Application**

A. Scope. This standard establishes minimum performance requirements for helmets designed for use by motorcyclists and other motor vehicle users.

B. Purpose. To reduce deaths and injuries to motorcyclists and other motor vehicle users resulting from head impacts.

C. Application. This standard applies to all helmets designed for use by motorcyclists and other motor vehicle users.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 32:190.

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 27:62 (January 2001).

#### **§1102. Definitions**

*Basic Plane*—a plane through the centers of the right and left external ear openings and the lower edge of the eye sockets (§1131.B.Figure 1) of a reference headform (§1131.C.Figure 2) or test headform.

*Helmet Positioning Index*—the distance in inches, as specified by the manufacturer, from the lowest point of the brow opening at the lateral midpoint of the helmet to the basic plane of a reference headform, when the helmet is firmly and properly positioned on the reference headform.

*Mid-Sagittal Plane*—a longitudinal plane through the apex of a reference headform or test headform that is perpendicular to the basic plane (§1131.D.Figure 3).

*Reference Headform*—a measuring device contoured to the dimensions of one of the three headforms described in §1131.F.-M. (Table 2 and Figures 5 through 8) with surface markings indicating the locations of the basic, mid-sagittal, and reference planes, and the centers of the external ear openings.

*Reference Plane*—a plane above and parallel to the basic plane on a reference headform or test headform (§1131.C.Figure 2) at the distance indicated in Table 2.

*Retention System*—the complete assembly by which the helmet is retained in position on the head during use.

*Test Headform*—a test device contoured to the dimensions of one of the three headforms described in §1131.F.-M. (Table 2 and Figures 5 through 8) with surface markings indicating the locations of the basic, mid-sagittal, and reference planes.

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#### **§1103. Requirements**

A. Each helmet shall meet the requirements of §1104, §1105, and §1106 when subjected to any conditioning procedure specified in §1114, and tested in accordance with §1116, §1117, and §1118.

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#### **§1104. Impact Attenuation**

A. When an impact attenuation test is conducted in accordance with §1116, all of the following requirements shall be met:

1. peak accelerations shall not exceed 400g;
2. accelerations in excess of 200g shall not exceed a cumulative duration of 2.0 milliseconds; and
3. accelerations in excess of 150g shall not exceed a cumulative duration of 4.0 milliseconds.

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